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Historical Abuse Systemic Review

Residential Schools and Children's
Homes in Scotland 1950 to 1995

An independent review led by **TOM SHAW**

Historical Abuse Systemic Review

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Appendix 2

Historical abuse in residential child care in Scotland 1950 – 1995: A literature review

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1. Introduction and Definitions

The issue of the abuse of children and young people in residential child care, both in the past and in the present, continues to be a serious concern. It has been the topic of a number of government enquiries over the past twenty-five years; some of which have focused on particular cases of abuse, others having a more general remit. This literature review has been commissioned for the latest such enquiry in Scotland, the Historic Abuse Systemic Review. However, it is important to state that this continuing focus on the abuse of children and young people in care should not overshadow the positive experiences of children and young people in residential care (Kendrick, 2007; Social Work Inspection Agency, 2006).

It must also be remembered that residential care is not the only public setting in which abuse takes place; Gallagher (2000) highlights that institutional abuse is not just a problem of children's homes, social work or the public sector, but occurs in a wide variety of settings and sectors and is perpetrated by a range of occupational groups. In an analysis of children and young people's calls to Childline about abuse and neglect, abuse by 'teachers or other authority figure' accounted for 138 (3%) of the 3993 calls over a 1-year period (6% of calls relating to sexual abuse only, and 3% of calls relating to physical abuse only). In the majority of calls, the abuser was a parent, step-parent or mother's partner (Vincent and Daniel, 2004).

The Scottish Institute for Residential Child Care was approached to carry out this literature review in June 2007 and agreed to undertake this work between July and September 2007. The focus of literature review will be residential care (residential schools and children's homes) in Scotland over the period from 1950 to 1995. It will identify, as far as is possible from the published literature, evidence of historical abuse and development of child protection policies and practice in relation to residential child care. It will draw on previous work by the authors on this and related topics in residential child care (Kendrick & Fraser, 1992; Kendrick, 1997; 1998; 2003; 2005; 2007; Hawthorn, 2006; Crimmens & Milligan, 2005).

On the one hand, there has been much written about the topic of abuse in residential child care in recent years and references are made to material which covers in depth what must be covered here only in overview; on the other hand, there are significant gaps in the literature, particularly that focused on Scotland until the early 1990s. Therefore, reference will be made to the gaps that exist, and to the wider UK and international context as necessary, although we make no claim to this review being comprehensive. In addition, in order to get an accurate sense of residential provision in 1950, it is also necessary to consider the context of residential care in the years immediately preceding the end of the Second World War.

It is necessary to start with some basic definitions of child abuse and residential care. While both child abuse and residential care are terms which are easily recognisable, what is understood and meant by them may vary considerably. Moreover, in the case of child abuse, what is covered by the term has evolved over time and continues to do so. The Social Work Services Group note that: 'The subject of child abuse is complex and a satisfactory definition of what constitutes child abuse is difficult to frame' (Social Work Services Group, 1985, p. 4). Similarly, in relation to residential child care, Kendrick and Fraser (1992) point out that different authors from differing professional backgrounds have used various terminologies when referring to residential care, making comparison difficult. What is sought here is to establish working definitions for the purpose of this review, which is not to deny that such definitions are problematic and subject to ongoing debate.

Residential schools are relatively easily defined as residential accommodation for children cared for away from home with educational facilities on the premises. The origins of residential schools lay in the combination of the Industrial and Reform schools from the Victorian era into Approved schools. At the

start of the period under consideration, 1950, Approved Schools in Scotland, as well as England and Wales, were in existence and under the control of the Home Office. Under the Social Work (Scotland) Act 1968, the Approved Schools in Scotland became 'List D' schools and part of the Scottish Education Department. Subsequently the 'List D' schools were re-classified as residential schools from the mid-1980s when their funding was transferred from the Scottish Office to the Regional Councils.

The term 'children's homes' can refer to a wide range of residential provision for children who are not in the care of their parents and there a number of different classifications within the category of 'children's homes' (Berridge, 1985). Three publications on children's homes from 1960s and 1970s underline some of the different categorisations. Seed and Thomson's (1977) census of day care and residential provision in Highland Region and the Western Isles distinguishes between 'larger' children's homes, 'small' children's homes, 'very small' children's homes and 'family group homes' (they also include education hostels and lodgings as a separate category). Brill and Thomas' (1964) categorisation of different types of residential provision for children in England gives the following categories: 'the receiving home', 'the reception home', 'the observation home', 'the reception nursery', 'the remand home', 'the classifying approved school', 'the intermediate home', 'the short-stay home', 'the mother and baby home', 'the family group home', 'the permanent substitute family in a publicly owned building', 'the larger single home', 'the grouped home', 'the hostel for working boys and girls', 'the adjustment home', 'the long-stay nursery', 'the approved school', 'the hostel for maladjusted children', 'the training home', 'the probation hostel' and 'the probation home'. White's comparative study (1973) of residential provision in Hull and Edinburgh includes five categories of children's residential establishments: 'Small group homes' or 'family group homes', 'large homes', 'nurseries', 'hostels' and 'homes for maladjusted children'.

The term 'children's home' therefore covers a wide range of provision which has been differently described and categorised. The fact that this provision changes and develops over the period from 1950 to 1995 adds to this complexity. This paper includes a review of literature which makes reference to any of the residential care settings for children not in the care of their parents. It does not include settings which are non-residential – playgroups and day centres for example – or residential establishments for children and young people still in the general care of parents or other carers, such as boarding schools and short-stay hospital wards.

If we now turn to definitions of abuse, an early, and generally accepted, definition of child abuse has been provided by Gil:

Any act of commission or omission by individuals, institutions or society as whole, and any conditions resulting from such acts or inaction, which deprive children of equal rights and liberties, and/or interfere with their optimal development (Gil, 1970, p.16)

More recently, the Scottish Office (1998) produced inter-agency guidance which identified the five categories of child abuse to be used when local authorities place a child on the Child Protection Register. These were:

Physical Injury

Actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge, or

reasonable suspicion, that the injury was inflicted or knowingly not prevented.

Sexual Abuse

Any child may be deemed to have been sexually abused when any person(s), by design or neglect, exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or any other person(s) including organised networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated, or consented to, the behaviour.

Non-Organic Failure to Thrive

Children who significantly fail to reach normal growth and developmental milestones (i.e. physical growth, weight, motor, social and intellectual development) where physical and genetic reasons have been medically eliminated and a diagnosis of non-organic failure to thrive has been established.

Emotional Abuse

Failure to provide for the child's basic emotional needs such as to have a severe effect on the behaviour and development of the child.

Physical Neglect

This occurs when a child's essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. A lack of appropriate care, including deprivation of access to health care, may result in persistent or severe exposure, through negligence, to circumstances which endanger the child. (Scottish Office 1998, Annex C)

The current literature review is concerned with child abuse in residential child care and acknowledges that while there are some similarities with child abuse in the wider community, there are also important differences (Gallagher, 1999). Rabb and Rindfliesch (1985), for example, point out that some categories of abuse are more applicable to institutional settings than family settings; 'the category of harmful restraint and control has much applicability to institutional care but limited applicability to family settings' (Rabb & Rindfliesch, 1985, p. 287). There continues to be considerable concern about physical restraint practices in residential child care (Steckley & Kendrick, 2007)

The most simple definition of institutional child abuse is any kind of child abuse described in the five categories above, which occurs within an institutional setting. As with the concept of child abuse however, there is debate around the definition of institutional abuse, its indicators and the extent to which neglect constitutes abuse in an institutional setting (Stanley, 1999). Of the various framings of institutional child abuse, one of the most commonly known and used was provided by Gil (1982) which differentiates between:

1. **Overt or direct abuse** of a child by a care worker, which could be physical, emotional or sexual or a combination of them
2. **Programme abuse** of children due to the particular treatment regime
3. **System abuse** of children, where the workings of the child care system fail to meet the needs of children within it and prevent them from reaching their potential

Penhale provides a framework for institutional abuse, more generally, which corresponds to Gil's categories:

Level 1: abuse between individuals within the institutional setting;
 Level 2: abuse arising due to the regime of the institution;
 Level 3: abuse arising at the system level (broader social structure)
 (Penhale, 1999, p. 6)

The concept of 'organised abuse' has also become a focus of discussion in some of the literature. Overt or direct abuse can be committed by an individual or a number of individuals, and may be planned or unplanned. Organised abuse has come into use in both institutional or non-institutional settings to describe a specific form of abuse which can be defined as:

[T]he systematic abuse of children, normally by more than one male. It is characterised by the degree of planning in the purposeful, secret targeting, seduction, hooking and silencing of subjects. Institutional and child abuse are but specialised forms of organised abuse. (Bibby, 1996, pp. 5-6)

The literature review is specifically focussed on historic abuse. Historic abuse refers to allegations of child abuse which occurred in the past. The Lothian and Borders Joint Police/Social Work Protocol states that:

Historic Abuse will include all allegations of maltreatment whether of serious neglect or of a sexual or of a physical nature which took place before the victim(s) was/were 16 years (or aged 18 in some circumstances) and which are made after a significant time has elapsed. Often the complainant will be an adult but some cases will apply to older children making allegations of abuse in early childhood (Lothian and Borders Police et al., 2001, p.5)

However, Hawthorn (2006) notes that the term 'historic abuse' is 'value laden and imprecise' because standards of child care and what constitutes child abuse have changed over time, and also what is publicly acceptable or accepted may differ from what is commonly practiced in the private sphere. The most obvious example of this in the period from 1950 – 1995 concerns changing attitudes towards the corporal punishment and physical chastisement of children. A 1960s survey found that 95 per cent of parents hit their children and 80 per cent of them thought it was right. The survey was repeated in the 1990s when 81 per cent of parents admitted to hitting their children but half of them thought it was wrong (Department of Health, 1995). For those investigating allegations of historic abuse, judgments need to be made as to whether the allegations would be classed as abuse within accepted practice at the time they occurred (Black & Williams, 2005; Hawthorn, 2006). In considering historical abuse in residential care, it is also necessary to recognise the experience of those who were subjected to mistreatment within the residential establishments which were meant to protect and promote their welfare. At the same time it is important not to condemn particular individuals or institutions for practice which worked within and reflected prevailing social attitudes towards child care standards and understanding (or lack of understanding) of child abuse at that time.

2. The Clyde and Curtis Committees: Setting the Context of Residential Child Care from 1950

In 1992 the Directors of Social Work in Scotland, in order to assist the Orkney Inquiry, prepared a report to provide an overview of social work practice in the field of child abuse and child protection. It stated:

An examination of history provides ample evidence that children have been exploited and abused physically and sexually down the centuries...child abuse is not a new problem; what is new is the heightened public awareness. (Directors of Social Work in Scotland, 1992, p.1)

Perhaps reflecting the context for which it was written, the report does not make reference to institutional abuse, focusing only on abuse within the community. Nonetheless, the quotation highlights the importance of placing child abuse within a wider social and cultural context. Social awareness and recognition of child abuse, whether it be within residential care or the community, is not linear but can be awakened and then recede from prominence. In 1857, Tardieu, a French physician published descriptions of thousands of cases of child sexual abuse only for awareness to fall back (Beckett, 2002). In the UK, child cruelty rose to prominence as an issue in the latter part of the nineteenth century in the UK, and this owed much to the philanthropic organisations which were created during the mid-part of the 19th century; for example, the National Society for the Prevention of Cruelty to Children (NSPCC), Barnardo's, NCH, Waifs and Strays (Parker, 1990). In Scotland, the Scottish National Society for the Prevention of Cruelty to Children (SNSPCC) was formed in 1889 following the amalgamation of the Glasgow society with two societies based in Edinburgh, while Quarrier's and Aberlour, the two largest providers of children's homes in Scotland came into being in the 1870s and 1880s (Abrams, 1998).

However, after the First World War:

The issue of child abuse, and indeed of child protection more generally, virtually disappeared from the public agenda, with the exception of a report from a Home Office committee in 1926 on sexual offences against young people. (Parker, 1995, p.7)

Hendrick further comments on the ambivalent attitude towards children during the inter-war years:

Although throughout the period 1918-45 children made guest appearances as 'victims' - usually of poverty, abuse, ignorance or neglect - their regular employment in the theatre of welfare was as threats in various guises: criminal, racial, social, mental and educational, albeit the word was rarely used openly. (Hendrick, 1994, p.207)

The period towards the end of the Second World War saw the re-emergence of child welfare, and to an extent child abuse, as an issue. Significant social changes, not least to the structure and scope of state provision and responsibility for welfare services, were the backdrop to this but there were specific reasons behind the re-emergence of concern for child welfare. Firstly there was the experience of large numbers of evacuee children during the war and the consideration that some of those children may not be able to return to their homes (Hendrick, 1994). This led to consideration of how to provide for these children. Lady Allen of Hurtwood's famous letter to The Times of 15th July, 1944, both reflected and projected growing concerns about the welfare of children looked after away from their families. Lady Allen was the Chairman of the Nursery Schools Association of Great Britain (Magnusson, 1984) and was the widow of a Labour peer, using her political connections to lobby for nursery education during the war years (Holman, 1996). Prior to her letter to The Times, Lady Allen had already written to the Home Secretary and to the Minister of Education about the poor state of residential care and the lack of co-ordination of child care provision (Hendrick, 1994).

Lady Allen's letter suggested there were huge shortcomings in the care system and urged a public inquiry into the care for those looked after outside their families:

The public are, for the most part, unaware that many thousands of these children are being brought up under repressive conditions that are generations out of date and unworthy of our traditional care of children. Many who are orphaned, destitute or neglected, still live under the chilly stigma of 'charity'; too often they form groups isolated from the main stream of life and education, and few of them know the comfort and security of individual affection (The Times, 15th July, 1944).

In response to Lady Allen's letter, The Times received more letters about deprived children than were generated by any other single subject during the war years (Holman, 1996). Four months after the letter was published, the House of Commons passed a motion calling for an inquiry into conditions in residential homes for children which the Government agreed to in December 1944 (Hendrick, 1994). Two committees were established in 1945, The Committee on Homeless Children (1946) in Scotland, and The Care of Children Committee (1946) in England and Wales (referred to, respectively, as the Clyde and Curtis Committees from now on). While the remit of the two Committees was slightly different, their findings and tone were similar, and both fed into the Children Act 1948 which related to Scotland as well as England and Wales.

Shortly after the establishment of the Committees in 1945, the treatment of children cared for away from home was given added impetus by the death of 13-year-old Dennis O'Neill in foster care in England, and the mistreatment of Norman and Harry Wilson by foster carers in Fife. Dennis, in a state of under-nourishment, died as a result of heart failure after being beaten by his foster parents. He, along with his two younger brothers and sister, had been removed by the NSPCC in 1939 and boarded out to a number of different foster homes before being sent to the care of Reginald and Esther Gough on their Shropshire farm. The Goughs were convicted of neglect and manslaughter and the Monckton Inquiry was established in 1945 to investigate the circumstances of O'Neill's death. It highlighted the lack of co-ordination of child care services, in this case between two separate local authorities and the Education and Public Assistance Committees; the failure to provide adequate supervision of the foster home; and the shortage of appropriately qualified and skilled social workers. Less than six months later John and Margaret Walton of Fife were convicted of wilful mistreatment for severely beating two foster boys in their care, Norman and Harry Wilson, aged 12 and 10 respectively. The treatment of the children in the ensuing criminal cases also underlined the insensitivity of public systems of justice to children who had experienced abuse: Terrence O'Neill, the brother of Dennis, was put on the stand and cross examined for two hours until he broke down in tears. Norman and Harry Wilson were portrayed as out of control by the defence and the former accused of lying in cross examination, despite the clear evidence of their physical abuse - Harry Wilson's headmaster commented that 'it would have been impossible to put a two-shilling pence on a white part of his body so badly discoloured was it' (Glasgow Herald, 2nd August 1945, cited in Abrams, 1998, p.198).

The Clyde and Curtis Committees are important for a number of reasons. They were the first time that the system for the care of children away from home in the UK had been examined

systematically, and they provide valuable information regarding the state of residential care at that time. Arguably, they provide a clearer overview of residential child care provision in both England and Scotland than was available for a number of years after. The Committees also laid the groundwork for the Children's Act of 1948 and the operation of the child care system in the initial post-war period. The Committees examined alternatives for children cared for away from their families which were, essentially: 'boarding out' with foster parents; children's homes managed by voluntary organisations; and children's homes managed by the local authority. Children's homes managed by voluntary organisations were by far the more prevalent in Scotland at the time of the Clyde Committee.

Despite the fact that the recent O'Neill and Wilson cases highlighted abuse in foster care, both the Clyde and Curtis Committees were unequivocal in their preference for foster care over residential care. The Curtis Committee reported on children's homes in decaying, damp, neglected buildings which were overcrowded and some children were still, over a hundred years after the 1834 Poor Law reform which set out separate provision for adults and children, living in workhouse accommodation alongside adults. As well as lacking the normality of family life, the Curtis Committee found institutions, particularly the larger ones, were not meeting children's emotional needs:

The contrast between children in the Homes and the boarded-out children was most marked. The boarded-out children suffered less from segregation, starvation for affection and lack of independence... There was, we thought, much greater happiness for the child integrated by boarding-out into a family of normal size in a normal home. (Curtis Committee, 1946, Para. 370)

The Curtis Report did note disadvantages to fostering in terms of child welfare, but, using a utilitarian argument, recommended it as the preferred option:

On the whole our judgment is that there is probably a greater risk of acute unhappiness in a foster home, but that a happy foster home is happier than life as generally lived in a large community. (Curtis Committee, 1946, Para. 422)

While the recommendations of the Clyde Committee are in keeping with those of Curtis, in Scotland there were regional differences regarding the care system. Rapid expansion of residential care for children in England took place in the 18th and 19th centuries, whereas in Scotland 'boarding out' was more common and the expansion that there was occurred only after the 19th century. One possible explanation for this was the mistrust of institutions in Scotland: as early as 1868 a report on the Merchant Company Hospitals or Schools criticised the idea of residential care because it removed children from home settings (Tresiliotis, 1988). The differences were reinforced by the different operation of the Poor Law systems in Scotland and England. In Scotland, there was no Poor Law provision for the able-bodied and no consequent need for a workhouse system to assess the suitability of applicants (Parker, 1990). As a consequence, by 1837 when the workhouse system was well established in England, in Scotland it was still confined to Paisley, Glasgow and Edinburgh. There was an expansion of the workhouse system in Scotland after around 1844 (Tresiliotis, 1988), but the preference for boarding out healthy children rather than placing them in workhouse provision distinguished child care policy in Scotland from that in England and Wales.

As a consequence, the Clyde Committee found that in March 1945, of children cared for under Poor Law provision in Scotland, 5,377 were boarded out, 959 were in voluntary homes and 749 in Poor Law institutions. The Committee also found that in addition to these children, there was specific provision for children cared for by the Education Authority under part IV of the Children and Young Persons (Scotland) Act 1937, where 'parents neglect children or are unfit to have control of them' (Clyde Committee, 1946, Para. 22). Children in need of care and protection could be committed to care of a 'fit person' and the Education Authority, under the Act, was deemed to be a 'fit person' while the Public Assistance Authority was not. Of 1,561 children cared for under such provision, 1,077 were boarded out with foster parents, and 484 were in Homes of one kind or another. The Committee further found that 4,788 were cared for in voluntary homes, 3,476 of whom were not the responsibility of any type of public authority. Of those children in public care of some sort in Scotland in March 1945, nearly 65 per cent were in foster care. In England and Wales in 1946, the boarding out proportion was 29 per cent (Frost, Mills & Stein, 1999).

The Clyde Committee was not without some reservations about the fostering system and strongly advised against boarding out to crofts in the Highlands 'where economic conditions are such that the practice of taking children seems to be regarded as an industry... Instances were found where children on crofts were overworked by their foster parents.' (Clyde Committee, 1946, Para. 73).

The Committee also acknowledged that there had been 'isolated instances of cruelty to children, on which the fierce light of publicity has been brought to bear' (Clyde Committee, 1946, Para. 49), presumably referring to the O'Neill and Wilson cases. However, like the Curtis Committee, the Clyde Committee clearly came out in preference of fostering as the first option for the care of children, and described large institutions as 'an outworn solution':

The uniformity, the repression, the impersonality of these cold and forbidding abodes afford no real consolation to the children who grow up in them, and constitute a sorry preparation for entry into a world where the child must ultimately fend for itself. (Clyde Committee, 1946, Para. 45)

Undoubtedly the solution of the problem is the good foster parent... boarding out with foster parents should remain the principal method of dealing with the homeless child (Clyde Committee, 1946, Para. 46)

The Clyde Committee did acknowledge the need for residential homes in certain circumstances, these being where children were 'specially difficult', they were part of a large family unit too big to place in one foster home or where they had specific care needs. It also included a number of recommendations for improving residential provision. Amongst there were that large institutions should limit the maximum number of children housed in one building to no more than thirty. The Curtis Committee also expressed a preference for small group homes of not more than 12 children of different ages.

It could be argued that Scottish provision was ahead of its time in favouring boarding out, long before the Clyde and Curtis Committees supported fostering as the preferred option. There were other motivations at play in this choice, however, amongst them that boarding out was cost-effective and that there was a desire to 'rescue' poor children by completely removing them from the sphere of their parents (Abrams, 1998). Additionally,

the sense that the Scottish child care system was better could breed complacency about the standards of care it provided to children. When the death of Dennis O'Neill became public knowledge, there was an outcry followed by a public inquiry.

At this time *The Herald* wrote:

Fortunately, Scotland, as in most matters connected to the education and welfare of children, is much in advance of England, and there is little reason to fear that such things as have been called attention to in England could happen this side of the border. (Glasgow Herald, 7th March 1945 quoted in Abrams, p.198)

In July 1945, as we have seen, John and Margaret Walton of Fife appeared in court charged with the ill-treatment of their foster children Norman and Harry Wilson, and were subsequently convicted.

As noted both the Clyde and Curtis committees voiced a number of criticisms of residential care, and while neither identified examples of child abuse as such, they did highlight examples of extremely poor child care practice and institutional insensitivity:

We found no child being cruelly used in the ordinary sense, but that was perhaps not a probable discovery on a casual visit. We did find many establishments under both local authority and voluntary management in which children were being brought up by unimaginative methods, without opportunity for developing their full capabilities and with very little brightness or interest in their surroundings. (Curtis Committee, 1946, Para. 418)

Indeed the Curtis Report simultaneously notes and dismisses the suggestion that there was abuse in children's homes at that time, but also recognises the possibility of abuse in comments that have some prescience:

It is right to say in the first place, as regards Homes for children, that very little evidence, written or oral, has been tendered to us that there are seriously bad conditions in existing Homes in the sense of conditions involving neglect or harsh usage. Some witnesses have come forward to describe to us their own upbringing as inmates of Homes, and in a few instances the picture drawn was a very dark one. Even allowing for some bias and exaggeration, the treatment of these particular children had clearly not been happy or successful. It must be remarked however that the evidence related to a period of ten or more years ago and that there has been much improvement since then in methods of discipline and other conditions... We ourselves have seen excellently conducted Homes run by organisations which have been attacked. We do not therefore feel justified, so far as evidence of this kind is concerned, in forming conclusions adverse to the general administration of child care in any organisation or group of organisations. The witnesses in question did however bring home to us the danger, even in an organisation or under an authority with an enlightened policy, that individuals in charge of groups of children may develop harsh or repressive tendencies or false ideas of discipline, and that the children in their care may suffer without the knowledge of a central authority. A code of rules which sets a proper standard is one necessity but it is plain that no code will suffice without regular inspection and constant watchfulness that the right atmosphere of kindness and sympathy is maintained. (Curtis Committee, 1946, Para. 417)

For Hendrick (2003), the Curtis Report's finding of no evidence of harsh and cruel treatment, and its conclusion that discipline in homes and approved schools was appropriate, lacks credibility.

In Scotland, there have been a number of subsequent allegations of abuse in children's homes, some of which span the time when the Clyde Committee was undertaking its assessment.

One example identified in the published literature concerns the allegations of abuse by former residents at one set of children's homes managed by the Roman Catholic church in Scotland from the 1930s to the 1980s. Amongst the allegations were that children were beaten regularly, children wetting their beds had to walk around wearing their wet sheets and a sign on their backs, children were forced to eat their own vomit and girls on their periods were deprived of sanitary towels and forced to bathe in disinfectant (Abrams, 1998, p.232). Another example cited by Abrams is from 1947 where a housemaster's violent and 'unorthodox' behaviour towards boys in his care at Aberlour orphanage was reported by another member of staff resulting in both of their dismissals (Abrams, 1998).

Magnusson's history of Quarrier's (1984) reported some former residents' statements of abuse. One former resident from 1939-1946 spoke of how her five year old sister was beaten and force fed by a cottage mother for not eating the lumps in her porridge. Other accounts related that some house-mothers forced children wetting their beds to take cold baths. Magnusson notes that:

The worst thing was that there was little help for it if a child happened to be in a 'bad' cottage. For children under the thumb of a cruel house-mother or father, complaining was out of the question; they would probably be punished for that, too. They were powerless. Besides, the children had virtually no contact with the higher authorities in the Homes, and each cottage could function quite independently inside its four walls. A child could be cruelly mistreated and few outside the cottage would know about it. (Magnusson, 1984, p.109)

A letter from the Chairman of Quarrier's in 1937 to house fathers in charge of boys' cottages highlights that the issue of harsh punishment was a live one at that time. The letter states that three complaints have been received about extreme corporal punishment given to the boys in the cottages. The complaints were from the RSPCC, a donor and a visitor. The Chairman's letter is unequivocally critical about such treatment deeming it counter-productive and 'loathsome'. 'Thrashing' is wrong and represents a denial of that which is good in every boy, even the most troublesome' (quoted in Magnusson, 1984, p.109). The letter illustrates that there was a means for outside individuals and agencies to note concerns about the children's treatment and bring them to the attention of the agency's management. It also shows the Chairman's clear desire to stop cruel punishment of the boys, but the incident also demonstrates that such treatment did occur.

Complaints from those outside residential homes were not always addressed sympathetically however. Complaints received about a Barnardo's home in Scotland in 1945 were dismissed by the management there because they had originated from the remarks of the boys themselves (Abrams, 1998).

Further allegations from Quarrier's residents of this era appeared in the Sunday Mail in 1984, the same year as Magnusson's book was first published. In response, a number of other former

residents wrote to the letters page, four expressing similar experiences of abuse. Three also wrote noting the happiness of their experiences in Quarrier's village. Magnusson acknowledges the accounts of those who experienced abuse but argues that these 'do not represent the true spirit and quality of life for the great majority of children' at Quarrier's (Magnusson, 1984, p.110).

After 1945, it is acknowledged that there were improvements in the residential child care system. As early as 1945, a Fife children's home stated that it did not allow staff to use corporal punishment of any kind, while in 1947 the Scottish Home Department questioned the use of corporal punishment for girls (Abrams, 1998). Further evidence that the issue of physical abuse in children's homes was live at that time is provided by Councillor Robina Lambie's request to Ayrshire Educational Committee on 14th October, 1947 for an inquiry into Dr Guthrie's School for Boys, an Edinburgh approved school. Cllr. Lambie noted concerns about escapes from the school which the parents knew nothing about until the boys arrived back at their homes, as well as allegations of excessive punishment. 'There are tales of beatings,' stated Cllr. Lambie (The Scotsman, 15th October, 1947)¹. An inquiry was held and the majority report found that the allegations were unfounded:

The head master averred that the forms of punishment used in the school were strictly in conformity with the Scottish Education Department rules for approved schools and he produced for inspection the punishment book and other records requiring to be kept in terms of these rules (The Scotsman, 10th December, 1947).

Cllr. Lambie however produced her own dissenting minority report:

Mrs Lambie, in her own report, agreed that as far as she could see the material wants of the boys were well attended to. She said, however, that one of the boys interviewed persisted in his statement that he had been struck across the face, and he did so in front of the head master, which took some courage to do so. Another boy who complained of punishment was not available to them for interview.

At present, legislation was being brought in for the abolition of whipping in prisons, and steps should be taken to abolish corporal punishment in approved schools. She cited the case of a boy sent to Dr Guthrie's school at the age of eight, and who was now 11. This child was a victim of home circumstances. Why, then, after three years in the school, was he not settling down? Why was he running away at every opportunity? That was not to say, she added, that the school was a bad place.

Mrs Lambie moved that the Department be asked to hold an inquiry into the system of approved schools. This was seconded by Bailie Mrs Gibson, Kilmarnock.

The Rev. A. M. Douglas of Maybole, a member of the deputation, said they had made a very thorough investigation, and he was satisfied that there were absolutely no grounds at all for any allegations of cruelty or carelessness on the part of the head master or any officials in the school. The work of approved schools was extraordinarily difficult, he added. They had to deal with a very difficult type of boy. Seventy-five per cent of the boys in the school had an intelligence quota of under 75.

Mr Sim said the Education Committee could have no alternative but to accept the majority report. They should exonerate Dr Guthrie's school from any blame at all. He

¹ Thanks to Roddy Hart for providing the relevant extracts from *The Scotsman*

understood that everything possible was done to make boys happy while they were there. Some returned in after years to visit members of staff. The meeting agreed to accept the majority verdict. (The Scotsman, 10th December, 1947)

There is a notable similarity in Rev. Douglas' statement, in the context of allegations of abuse, that approved schools had to deal with 'a very difficult type of boy' and press comments made about Norman and Harry Wilson during reporting of their foster carers' trial.

The Clyde and the Curtis Reports, therefore had highlighted important shortcomings in the provision of residential child care provision but stopped short of identifying abuse in any of the provisions they surveyed. They recommended smaller residential units replace large institutions and emphasised fostering as the preferred method of substitute care.

The resulting 1948 Children Act gave local authorities not only a duty to receive into their care all children who were unable to live with their parents, but to give them facilities and services which they might have had if living at home. It placed a duty on authorities to place such children in foster care wherever possible, and to place them in children's homes only where it were not, and as a temporary measure. The Act clarified the system for providing for children in substitute care by giving the Home Office sole responsibility over this area, and set up two Advisory Councils in Child Care, one for Scotland and one for England and Wales. It stipulated that local authorities had to set up Children's Committees to oversee provision of the children's service in that area, and appoint a Children's Officer who would oversee a team of social workers responsible for children in the Committee's local area. Children's Officers were to be appointed by the local authority but approved by Secretary of State. Finally, the 1948 Act also stipulated that voluntary services were to be integrated into the national child care system through registration and inspection by the local authority and government officials.

3. The Residential Child Care Sector After 1950

The period from 1948 – 1970 saw the 1948 Children Act provisions come into force and then be superseded by the Social Work (Scotland) Act in 1968. Following the report of the Kilbrandon Committee (1964) in Scotland, Social Work Departments replaced Children's Departments and the setting up of the Children's Hearing system.

The presumption against residential care, particularly for babies and young children, was given theoretical underpinning in Bowlby's highly influential publication (1951) on maternal deprivation and mental health. Bowlby was based at the Tavistock clinic in London but his work posited a universal theory of child development. It emphasised the prime significance of a child's earliest attachment to their mother, emotional bonds which formed or failed to form had a profound effect, it was argued, on a child's later emotional and psychological well being. The corollary was to underline the importance of maintaining a child within their family setting, or where this was not possible, in a substitute family setting that replicated this as closely as possible. This therefore supported the preference for fostering over residential care where a child could not be maintained with their birth family. Bowlby himself strongly advocated using familiar people as foster parents and temporary foster parents for short-term, emergency admissions (Packman, 1981).

A Home Office circular in 1948 had already emphasised the importance of preventative work with families to keep children with their parents in the first place and this was underpinned by local policy frameworks. The 'Edinburgh Report' for 1954 states:

The Committee wishes to emphasise that careful investigation takes place before children are separated from their parents – a step which may well lead to the final break-up of a family already unstable. Only when contact with every possible agency with a view to alternative measures has been made and proved fruitless does the Corporation exercise their powers under the Act. (quoted in White, 1973, pp.171 – 172)

The government also sought to regulate Children's Homes more tightly. The Home Office memorandum on The Conduct of Children's Homes in 1952 stipulated, amongst other things, the sort of staff who should be employed, and the decoration and furnishing of the children's living areas (Magnusson, 1984). Regulations for the operation of Children's Homes in Scotland were introduced in 1959, though this was eight years after their introduction in England – it is unclear why this difference in implementation occurred.

Bowlby's work (1951) especially influenced opinion against the idea of residential provision for very young children and resulted in the closure of a large number of residential nurseries, Northumberland County Council being the first to close its provision in favouring of fostering, in 1952. Other authorities followed suit though in 1973 Edinburgh still had some residential nursery provision (White, 1973).

Edwards (1968), a Children's Officer in West Suffolk, reflected the prevailing view of the time in writing:

If children cannot live with their own families, although care in children's homes may be necessary for a time, it is hoped that eventually a more normal substitute home can be provided by ordinary families who are prepared to take them into homes as foster children. (Edwards, 1968, p.40)

There were more pragmatic reasons which favoured foster care as well however. Residential care was up to three times more expensive than foster care (Frost et al., 1999; Kahan, 2000; Crimmens & Milligan, 2005; Parker, 1990). Part of the reason for this was the explicit desire in the Clyde and Curtis Committees to keep fostering allowances down to the minimum needed to maintain children in their care following the baby-farming scandals of the 1870s, and the consequent concern that higher fostering allowances would attract carers with the wrong motives. There was, therefore, a 'happy coincidence', in Parker's words (1990), between financial imperatives and what prevailing public policy deemed to be the best practice for children who were received into public care.

However, whereas in England there was a significant increase in the proportion of children in foster care, (growing from 35 per cent of all children in care provision in 1949 to 45 per cent in 1968), in Scotland the proportion, starting from a higher base, remained roughly constant; falling from 61 per cent of all children in care provision in 1949 to 58 per cent in 1968 (White, 1973). There was also a marked difference in the use of voluntary and local authority home provision in the two countries, with the proportion of local authority provision in Scotland far smaller. In Scotland in 1949, 15 per cent of children in public care were in local authority homes; by 1968 this was 16 per cent. In England in 1949, 44 per cent of children were in local authority homes, by

1968, largely with the increase in fostering, this had fallen to 29 per cent (White, 1973).

Apart from cuts in residential places in the first years after 1948, increasing numbers of children in public care overall meant there was still demand for residential child care provision (Kendrick & Fraser, 1992; Packman, 1981). Moreover, by the early 1960s, placement breakdown rates in foster care, sometimes approaching as high as 50 per cent, resulted in practitioners coming to believe in a need for a better balance between residential and foster care (Kahan, 2000; Tresiliotis, 1988). What did change, was that, in England, Wales and Scotland after 1948, residential care increasingly became used for older children, disabled children and children with severe problems (Tresiliotis, 1988; Frost et al., 1999). The reasons that children were admitted into public care were also changing. At the turn of the 20th century, most children in children's homes in Scotland were orphaned (Abrams, 1998; Magnusson, 1984). Increasingly, however, in the subsequent fifty years, children coming into care had parents who were still living but who were unable, or unwilling, to provide appropriate care for them and this trend continued after 1948. A child's 'illegitimacy' also became a significant reason for children being received into public care in the first decades after 1945, a greater proportion of children being placed in public care for this reason in Scotland than England and Wales (White, 1973).

There were improvements in the residential sector in the period after 1948 in the UK as a whole, as it responded to the observations of the Clyde and Curtis Reports to reduce the size of units and improve both the physical layout of the buildings as well as their furnishing; particularly with the development of the 'family group home' as envisaged in the Curtis Report. Progress was made on the goal of providing children in residential care with food, clothing, activities and facilities comparable to those which children in the community enjoyed, though the goal was far from fully achieved (Berry, 1975; Tresiliotis, 1988). While there is a paucity of information in the literature regarding changes within the residential sector in Scotland as a whole during this period, White's study (1973) shows that developments in the residential sector were subject to considerable regional variation. He notes that, in respect of Edinburgh, the local authority took up to twenty years to respond to the ideas behind the Clyde Report and the 1948 Children Act. The size and use of homes remained the same as before with 'family group homes' planned from 1962 onwards only.

In England, the recommendations of early Children's Committees suggested, amongst other things, 'Aunt and Uncle' befriending schemes to support children's emotional development, and the disapproval of particular punishments such as the denial of food, 'sending to Coventry', shutting children in dark cupboards and sending children to bed in the daytime (Packman, 1981). In 1948, Manchester Children's Department's Children's Committee discussed the draft rules made by the children's home and remand homes sub-committee. They excluded as acceptable punishment the denial of ordinary diet, corporal punishment to girls and infants and any other form of corporal punishment to boys other than four strokes of the tawse. One member of the committee wanted all corporal punishment excluded. After debate, it was agreed that, on trial, no corporal punishment would be allowed for six months (Holman, 1996)². There was also concern about the quality of provision for children and young people in Styal Cottage Homes within the same Children's Department. A number of complaints were raised about staff behaviour, ranging from a member of the public seeing a

housemother hitting a child several times, a relative visiting a child who was shivering after being smacked, and verbal abuse, including some racist abuse, towards children and young people. Holman notes that:

Probably in the past similar complaints had been voiced, but now the difference was that the children's officer took them seriously and insisted on full investigations (Holman, 1996, p.32)

The children's officer, Ian Brown, presented recommendations to the Children's Committee which were accepted. These were for reductions in the numbers of children in each cottage with each having a gender mix of both residents and staff, reductions in domestic duties for the children, improvements in diet and clothing, attendance at outside schools, and that the children should be given bikes with encouragement to make outside visits (Holman, 1996).

Magnusson (1984) documents that Quarrier's held its first Boy's and Girls' Council in 1967 to take on board children's input on the running of the homes in which they stayed. Improvements in the residential child care sector were also reflected in King Raynes and Tizard's (1971) comparison of different forms of residential care. While the description of hospital wards for children with disabilities was resonant of the conditions that Clyde and Curtis had encountered in children's homes over twenty years earlier (Berry, 1975; Packman, 1981), local authority and voluntary children's homes were found to have more child-centred ways of providing care.

The period from 1945 to 1970 is widely portrayed in the literature as a 'good' one for the residential child care sector and one of optimism for the child care system generally, with a positive belief in the ability of public intervention to make a positive difference to children's lives (Corby, Doig & Roberts, 2001; Hendrick, 2003; Crimmens & Milligan, 2005; Packman, 1981). Corby et al. (2001) state that: "Arguably the period between 1948 and 1971 was one of the most successful eras in the history of residential care for children." (Corby et al. 2001, p.28). Furthermore, in 1975, Packman wrote:

Now, residential care for children is regarded as both an important and integral part of the service and it covers a wide range of establishments of different size and specialism (Packman, 1981, pp.147-148 [first edition published 1975])

The first half of the 1970s, possibly with a growing awareness of child abuse, saw a steep rise in the number of children in care in both England and Wales, and Scotland, and the numbers remained at that level in the second half of the decade (Abrams, 1998; Corby et al., 2001; Crimmens & Milligan, 2005; Frost et al., 1999). The 'rate per 1000' of children in public care in England and Wales rose from 6.4 per 1000 (87,400 children and young people) to 7.8 per 1000 (100,200) in 1980 (Dingwall & Eekelaar in Corby et al., 2001, p.31). As a result, by 1976 there was the highest ever number of children in residential care in the UK (Crimmens & Milligan, 2005). In Scotland, the numbers in residential care fell steadily from just under 6,000 children and young people in 1954, to under 4,000 by the early 1970s and then peaked at over 6,300 in the mid-1970s. Many of these children remained in residential provisions for substantial portions of their childhoods (Abrams, 1998; Mainey et al., 2006).

However, there was still an underlying concern that residential child care provision was less than satisfactory. In the 1960s the focus on preventative work with families emphasised maintaining children with their families wherever possible while

² Holman notes that the Committee seem to have overlooked that remand homes and approved schools were managed by the Home Office which did allow use of the cane.

the gathering critique of institutions as places whose mode of working necessarily failed to be responsive to the needs of those living within them (Goffman, 1961; Foucault, 1979), had an effect on the way in which residential homes were viewed. In Scotland, this may have reinforced a pre-existing scepticism regarding residential provision (Tresiliotis, 1988).

While there was an ‘unparalleled paucity of research studies focussing either on the ongoing experiences of children [in residential care] or on outcomes, especially the latter’ (Tresiliotis, 1988, p.10), the available evidence was not generally positive about residential care. While King et al.’s study (1971) reflected positives about residential children homes, other studies generally did not. Dinnage and Kellmer Pringle (1967) reviewed available research about residential child care in the USA, Western Europe, Israel and the UK 1948-66. They explicitly reject the idea that children are necessarily best placed outwith residential provision:

There is little basis for such a sweeping rejection of residential homes. On the contrary, there is some evidence that certain children may find it easier to accept, or cope with, a larger, less intimate environment since it is makes less intensive, emotional demands (Dinnage & Kellmer Pringle, 1967, p.37).

They did, however, reject residential nurseries as a suitable long term provision and comment that for older children and young people:

The two potentially most damaging aspects of residential care are that a psychologically, culturally and educationally restricted, impoverished or, at worst, even depriving substitute environment may unintentionally be provided; secondly that unless special steps are taken, children may grow up without a personal sense of identity, lacking a coherent picture of both their past and their future. (Dinnage & Kellmer Pringle, 1967, p.35)

Berry’s (1975) study of 44 children’s units in England found that while the care afforded in residential homes had improved since the Curtis Report, not all of its criticisms of residential provision had not been comprehensively addressed. The study found units containing 43 per cent of the children offered ‘a mid-point standard of good-enough care’, with 17 per cent in more positive units and 40 per cent in more negative units and commented:

The central, indisputable fact is that a sizeable proportion of children have a comparatively poor experience of daily care in residential life, and this appears to be linked with their care-givers receiving similarly poor experience of ongoing support (Berry, 1975, p.157).

From 1976, the Labour Government began a policy of spending restraint, including the budgets of local authorities. Alongside the questions still being raised about the suitability of residential child care provision and an emphasis on preventative work to keep children with their families, concerns over reducing costs led to a concerted shrinkage in the size of the residential sector (Crimmens & Milligan, 2005). In 1976, almost twice as many children and young people were in residential care compared to those in foster care, whereas in the early 1990s there are more than twice as many children in foster care compared to those in residential care (Skinner, 1992) and by the end of the 1980s the number of children in residential places had fallen to a third from their mid-1970s peak (Kendrick, 2003). This is illustrated in the following table:

Placement in Residential Establishments by sector, 1977 and 1989

	1977	1989
Local authority children’s home	2603	1139
Voluntary organisation children’s home	170	
List D school (former List D after 1986)	1355	559
Other establishments	921	496
Total Numbers in Residential Establishments	6209	2364

(Kendrick & Fraser, 1992, pp. 14-15)

Kendrick and Fraser (1992) pointed out that this picture of overall decline in the number of children in residential placements masked important differences in the changing role of residential placements for children of different ages. In 1977, 33 per cent of children in care who were aged under five years old were placed in residential care, but this had reduced to four per cent by 1989. For children aged 12 years and older, the reduction in the proportion placed in residential care was much smaller; 34 per cent of 12 to 17 year olds were in residential care in 1977 compared to 30 per cent in 1989.

The 1990s saw a continuing, if slower, reduction in the numbers of children in residential care. Placements were primarily viewed as temporary, pending a return to parental care, foster care or independent living (Mainey et al., 2006).

While the number of children becoming ‘looked after’ have been increasing gradually in Scotland in recent years, most of the increase has been due to children being looked after at home or with family or friends (Mainey et al., 2006). The average age of children in care, in all types of placement, has also been falling in recent years (Scottish Executive, 2006).

The most recently available figures show that there were just under 13,000 looked after children on 31 March 2006 (Scottish Executive, 2006). Forty-two per cent (5,506) of these were living at home and a further 13 per cent (1,726) were living with friends or relatives. Twenty-nine per cent of children (3,731) were in foster care and 13 per cent (1,638) were placed in in residential care (Scottish Executive, 2006).

The number of residential establishments in Scotland shows a slightly different pattern. In the mid-1970s, there were 288 establishments, and this fell to 158 at the end of the 1980s. However, this had increased to 207 in 2002. This can be explained by the long-term decrease in the size of residential establishments; falling from an average of 25 places in the 1970s to an average of 10 places (Scottish Executive, 2003).

The respective roles of the local authority, voluntary and private sectors in the provision of residential child care remain largely the same as in the early 1980s, albeit on a smaller scale. Nearly all of Scotland’s 32 local authorities still directly manage at least one children’s home (although two have ‘sub-contracted’ this task to a major voluntary organisation). There are a small number of private (not-for-profit) providers, though the number of places they provide is growing. Scotland retains a relatively large number of residential schools, which are nearly all run by the voluntary sector. Some of these schools are part of national religious or charitable organisations and some are small, charitable or other not-for-profit organisations. These schools are in the main the successors to the old ‘List D’ schools and between them they provide about half of the residential places for ‘looked after children’.

Scotland also has secure accommodation provision, which is currently expanding from 96 places to a total of 125 places in seven units. Most of these places are also run by the voluntary sector, although two of the city Councils operate their own secure units. Scotland has no equivalent of the 80-bed Secure Training Centres which have been recently established in England, and all secure provision for under-16s remains firmly in the child care sector (Barclay & Hunter, 2007; Smith & Milligan, 2005).

4. Evidence and Awareness of Abuse in Residential Child Care Institutions, 1950 - 1995

There is a distinction to be made between the awareness of the possibility of different forms of abuse in residential child care in the period under consideration and the actual level of abuse which was occurring in the period from 1950 – 1995. There was very little general awareness, public focus or published material regarding child abuse in residential child care in the UK before the mid to late 1980s. Due to this, it is extremely difficult to comment with any certainty on the nature and prevalence of abuse in residential child care in Scotland. Public inquiries into abuse in residential child care since the late 1980s, however, have brought to light a range of abuse in residential units in the UK, some of which dated back to the 1960s. Since the late 1980s there has also been a high level of media and public policy focus on abuse in residential child care in the UK and considerable reference to it in the relevant literature. However, definitive knowledge about the extent and prevalence of abuse in the residential sector remains elusive. The evidence that there is in the UK is primarily based on information from the public inquiries there have been, on research analysing children and young people's own complaints, on surveys regarding abuse of children and young people cared for away from their parents, and abuse identified from more general studies (Kendrick, 1997, 1998). Furthermore, there has been little focus in the published material on abuse in residential child care specifically in Scotland, as opposed to the rest of the UK.

Consequently, this review will firstly consider what awareness there was of abuse within residential child care in Scotland before the mid to late 1980s when child abuse in residential care became a significant public concern. Secondly, the review will then provide an overview of the major inquiries into abuse in residential child care in the UK outside of Scotland. Thirdly, the review will provide an overview of the government requested reviews of residential child care in Scotland, the Skinner (1992) and Kent (1997) Reports, and the two independent inquiries into abuse in residential child care institutions in Scotland, the Edinburgh Inquiry (Marshall, Jamieson & Finlayson, 1999) and Fife Enquiry (Black & Williams, 2002). Finally, the review will provide an overview of the published material currently available, regarding factors underpinning abuse in residential child care in the UK and safeguards to prevent abuse.

5. Awareness of Child Abuse in Residential Child Care before the mid to late 1980s

The 1952 Children and Young Persons (Amendment) Act and Children and Young Persons Act 1963 gave Children's Departments a duty to investigate when informed that a child may be in need of care or protection. The Ingleby Report in England and Wales (1960) also made short reference to the prevention of cruelty to children. We have seen, however, that the public and professional awareness of child abuse has

fluctuated, and this report was set against the absence of child abuse as a predominant public concern during the years from 1948 until the early 1960s (Hendrick, 2003; Parker, 1995).

A significant marker of change was the identification of the 'battered child syndrome'; defined as 'a clinical condition in young children who have received serious physical abuse [and] is a frequent cause of permanent injury or death' (Kempe et al., 1962). While the article resisted giving a narrow social or psychological profile of abusers, they were described as parents or foster parents with poor anger management who may have had experienced similar abuse in their own childhoods. It is notable that the emphasis was on medical identification of the physical abuse to the child and a pathological definition of the abusive parent. The focus flowing from the 'battered child syndrome' was, moreover, young children living in the care of parents in the community, rather than children in residential settings.

In 1963, a year after Kempe and colleagues' paper, two orthopaedic surgeons, claimed that the syndrome was more widespread than believed in the UK and in 1966, the British Paediatric Association stressed the role of hospital casualty doctors in identifying abuse (Parton, 1985). By 1972, many areas had established review and case committees to deal with child abuse in their localities while the DHSS issued evolving guidance on child abuse in 1970, 1974 and 1978 (Parton, 2006). The inquiry into the death of seven year old Maria Colwell marked the emergence of child abuse as a predominant concern in the UK (Butler and Drakeford, 2003; Directors of Social Work in Scotland, 1992; Parton, 1985; 2006). Government guidance on child abuse reflected an evolving public recognition of it: from the initial focus on physical injury to young children, it had referenced the same risk to older children by 1974, acknowledged neglect, failure to thrive and emotional abuse in the early 1980s, and sexual abuse only in 1986 (Directors of Social Work in Scotland, 1992.)

The focus throughout this period however remained on child abuse in the community. In the USA, 1977 marked the public recognition of institutional child abuse as an issue when a major conference on institutional abuse of children was held at Cornell University (Garrett, 1979). Recognition of this issue in the UK was much slower. While there were allegations, evidence of abuse and a number of enquiries in the 1980s, such as those into sexual abuse in Kincora and Leeways homes, see below, the subject of sexual abuse in a residential context did not feature much in professional discourse. The Kincora and Leeways 'scandals' might have been seen as extremely exceptional until the early 1990s when public and professional awareness became more focused on the abuse of children in care following the cases of Frank Beck (Leicestershire) and the 'Pin-down scandal' in Staffordshire (Bibby, 1996; Corby et al., 2001; Kendrick, 1997; Stanley 1999).

In the light of the discussion above, it is not surprising to find that literature written before the 1970s around child care practice and residential practice in the UK makes scarce reference to child abuse in general. As we discuss below, specialist professional literature within the sector prior to the late 1980s does make some reference to physical and sexual abuse. However this is not a recognized theme in the professional literature and even where it is acknowledged, it is for the most part perceived as something requiring individual responses rather than the adoption of systemic approaches to safe care and child protection.

We have seen that the Clyde and Curtis Committees identified poor practice in residential care, if not clear cases of abuse.

Other literature did identify specific cases of abuse in residential care. Professional writing in the 1960s, however, did not always acknowledge the potential for abuse in residential care settings. Edwards' (1968), article on residential care makes no reference to institutional abuse but does note the possible reasons why children are in public care to include that they have been adjudged by the courts to be 'neglected and ill-treated' by parents or 'in moral danger' (Edwards, 1968, p.38). Brill and Thomas' (1964) book, focusing on residential child care in England, demonstrates that there was awareness of the possibility of the sexual abuse of children within the family. Again, however, there is no reference to abuse within an institutional child care setting.

The report of the Kilbrandon Committee (1964) which investigated the Scottish child care system and whose recommendations led to the creation of the Children's Hearing system does not contain any reference to abuse in a residential context but does contain quite a large section on 'residential measures', including detailed consideration of the role of approved schools. It notes a range of criticism of the approved schools but abuse is not one of them. The criticisms are couched in language about there being too many children admitted to facilities and about there being inappropriate admissions due to children being too young, or children having a 'mental handicap'. The Report also notes that the lack of specialist provision in residential child care sector means that children are admitted to approved schools because of the lack of any alternative. Kilbrandon does note that there is a public perception that the schools are 'punitive' but maintains they are not.

While it was not framed as 'abuse', the concern about the use of corporal punishment and harsh punishment was one area where there some focus in residential child care after 1948. As in Cllr. Robina Lambie's minority report into allegations of abuse at Dr Guthrie's Approved School for boys in 1947 (noted above), the use of punishment gave rise to other concerns about the more general treatment of young people in those establishments. The Criminal Justice Act 1948 removed courts' ability to sentence the birch against young people, however corporal punishment remained legal in children's homes in Scotland until The Social Work (Residential Establishments - Child Care) (Scotland) Regulations 1987 came into effect (Black & Williams, 2002).

Holman (1996) notes that the minutes of the children's committee in Manchester from 1948-71, discusses a 'sprinkling' of cases where house parents were severely reprimanded or dismissed for hitting children.

That corporal punishment remained a predominant issue within residential care is also reflected in Berry's (1975) study of daily residential life in England. She notes a headmaster in one of the units studied is reported to have stopped using corporal punishment because the local council had come under Labour Party control. Berry notes that he appeared to be 'motivated less by concern for the boys' skin than for his own' (Berry, 1975, p.150). One community school is also described which had tried to relax its disciplinary policy, but the housemaster believed some staff had responded by using 'unofficial' physical punishment more. He is quoted as saying:

'[T]he boys are hit regularly... hair pulled and heads banged. Boys accept all this as natural.' (Berry, 1975, p.105)

Strathclyde Regional Council's Report 'Room to Grow' (1978/9) investigates all aspects of child care and related wider social policy. It gives emphasis to, amongst many other things, the need

to develop fostering and community-based services as much as possible, but also emphasises the continuing need for residential care and for the staff to be properly trained. It contains a substantial critique of the way that homes ran at that time, including criticisms from young people, staff and managers. While there is no mention of abuse at all, there is a section on the use of corporal punishment in residential care and the need to give clear guidance to residential establishments regarding this. The Report recommends against the use of any instrument to give corporal punishment but, reflecting public views of the time, is unsure about 'smacking':

The majority of staff questioned on this stated that some 'smacking' was necessary – but stated that they were against violence to children. (Strathclyde Regional Council, 1978/9, p.36)

Kahan (2000), who worked as a children's officer in Oxfordshire County Council in the 1960s, noted the struggle there was in persuading other professionals that abusive treatment occurred in residential child care settings during the period:

Great difficulty was sometimes experienced in getting doctors, police and lawyers to believe what was happening in group care. I personally had so much unease about the kinds of regimes in approved schools that in the authority I was serving we somehow managed to persuade the courts not to send children to approved schools but to commit them to our care. (Kahan, 2000).

Child sexual abuse did not become recognised as a significant mainstream issue in the UK until the mid-1980s. The Second Report from the House of Commons Social Services Committee 1983-84 noted that:

Most attention hitherto has been focussed on physical cruelty, and specifically on preventing, identifying and treating non-accidental injury to children. Such injuries may at least be visible, however difficult to interpret. Sexual abuse of children can go undetected for long periods. There is now some professional awareness of the extent and effects of sexual abuse. Little thought has been given to its prevention. We recommend that the Department's Child Care Research Liaison Group consider commissioning research into sexual abuse of children (House of Commons Social Services Committee, 1984, Para. 52)

Therefore, as with abuse in residential child care more generally, its lack of coverage in the earlier post-war literature is unsurprising. There are some references to it well before the 1980s, however.

One article (a paper published in 1958, but accessed here from a collection published in 1968) did note the possible sexual attraction of staff to children as a potential issue in a residential setting though some of terminology used is questionable:

There is one feature still to be mentioned which may come as a disquieting discovery: there are no deep taboos or incest barriers to protect other people's children from our sexuality. The child's attractive physical appearance may wake so much response in the worker that he may emotionally seduce the child or, reactively, treat him with special harshness. To this the child may retaliate by becoming more difficult. Childhood feelings towards parents and siblings are transferred with less resistance in the substitute situation. It is one further hazard in child care, and is another example of the way in which children can be made difficult. (Anthony, 1968, p.58)

Another text from 1965, arguing in favour of the employment of single males as housefathers, also notes the possibility of inappropriate sexual attraction between staff and young people in residential settings and the need for safeguards against this:

Not unnaturally in any situation such as a resident community it is inevitable that the climate is likely to be somewhat more erotic than normal. Given adequate safeguards however, there is no reason why this of itself should prohibit the employment of single men. The fact that work in connection with children and young people does from time to time attract persons with abnormal sexual attitudes is no reason for eliminating an important group of potential labour. (Henry, 1965, p.56)

Wills' 'Spare the Child' (1971) reported severe bullying and sexual assault by some young male residents to others in Cotswold Approved school

It was presently discovered that the boys had indeed constructed a kind of parody or caricature of the formal system of discipline, based entirely on the tyranny of a few boys... There were beatings-up which began with a duffle-coat being thrown over the head of the victim so that he could not identify his persecutors. Boys had their hands tied to a hot water pipe just at the point that it left the boiler; boys were made to masturbate themselves or each other for the amusement of bullies; there was a system of homosexual prostitutes; and of course helotry was widespread (Wills, 1971, p.25)

Kahan (2000) recalls that while there was little explicit discussion of child sexual abuse until the late 1970s and early 1980s, there was within residential child care practice in the 1960s 'the occasional knowledge of someone being moved on for sexually inappropriate behaviour to boys or girls' (Kahan, 2000).

Holman (1996) reports that from 1948-71 there were six internal investigations into alleged sexual abuse by Manchester Children's Department. In one incident, in 1951, a deputy superintendent allowed a boy from outside the residential unit to sleep in his room. The matter was investigated by three councillors and the man resigned, with no further action taken as a result. Holman notes that, while incidents were promptly investigated:

This response set the pattern whereby actual or suspected abusers were swiftly pushed out but rarely prosecuted. The reluctance to take the matter to court was justified on grounds that it avoided children having to go through the ordeal of being questioned in court and also that it minimised adverse publicity for the Department. Ken Collis, who spoke as a chairman of both the Children's Committee and the Social Services Committee, said "There was not as much sexual abuse as today but we sacked one man on the spot – he did it elsewhere a year later and was jailed." (Holman, 1996, p.180)

A chapter within a mainstream text book on residential care in the UK from 1980 queries what action should be taken when a young person makes an allegation regarding sexual misconduct towards them from a staff member:

The most difficult statements from adolescents to senior members of staff in institutions must surely be: "Last night when I was ill Mr A. came into my room to take my temperature and put his hand on my breast" or "When were at camp on Saturday Mr Z. came into my tent and played with me." (Davis, 1980, p.269)

The author debates the question of what action should be taken and strongly implies a preference that such allegations should be dealt with within the residential setting as far as possible:

Sometimes, of course, for an officer-in-charge or homes manager not to involve the police means treading on mined ground but I have a feeling that more incidents are being bravely and professionally examined internally, putting into perspective the intensity of sexually based interactions which are bound to happen within the intimacies of group living as the most complicated dyadic and triadic relationships are being worked out (Davis, 1980, p.271)

While the author is clear to state he is not 'suggesting license for free sexual exchanges in residential care' (Davis, 1980, p.269), the article goes on to cite another author on residential care approvingly who had argued that 'a sexual relationship between resident and a worker should not automatically be grounds for automatic dismissal' (Righton³, 1977 in Davis 1980, p.271).

The above shows even before child sexual abuse became a predominant public concern, there was a clear recognition within residential care that staff could be sexually attracted to children and young people, and that sexual abuse of children and young people (although not termed as such) could occur. Davis' article shows that as late as 1980 there was some questioning within the literature as to whether formal action such as staff dismissal and police involvement were necessarily required when children and young people were sexually abused by staff. By questioning what the best approach was, the article does nevertheless indicate that at least in some cases staff were indeed dismissed and the police notified when sexual misconduct was reported.

In 1975, recognising the need to give children and young people a greater voice over their care the National Children's Bureau organised a national one-day conference for young people living in residential care. Invites were sent to every local authority in England and Wales as well as some voluntary agencies (Scottish agencies were not included). Twenty-eight local authorities and two agencies responded, sending 100 children aged 12-16. Out of this came the 'Who Cares? Young People's Working Group' which met numerous times in the first year and decided to produce a book regarding their experiences in care (Page & Clark, 1977, pp. 9-11).

While the young people's accounts reveal positives about the care they received in residential homes, they also revealed a range of abuse. On discussing what should be included in the book one young person commented: 'If you leave battering out, there's no point in having a book is there?' (Page & Clark, 1977, p.35).

The editors comment on the young people's puzzlement that they could be mistreated in the settings meant to protect them:

Many of the members of our group knew they were in care because they had been ill-treated by their parents. It was a paradox to them to find that they could also be ill-treated in care (Page & Clark, 1977, p.35)

Some of the treatment young people spoke of had resonances of the accounts from those who experienced mistreatment in the 1930s and 1940s. Such treatment included being punished for wetting the bed by being forced to sleep in the soiled bed all night and then being made to sleep on the floor the next night without blankets, having your mouth washed out with carbolic soap for smoking or swearing, and being forced to run down the

³ Peter Righton, was at one time Director of Education at the National Institute for Social Work. He was later convicted and fined for possession of child pornography.

high street in underwear as a punishment.

There were also examples given of forms of physical abuse that were clearly far beyond what, even at the time, might have been considered acceptable forms of corporal punishment. Speaking of a member of staff one young person commented:

We know she used to get kids in the bathroom and she used to get wooden spoons, massive wooden spoons. Well – this little kid must have been six then – and she used to beat him and he used to get bruises. And you’d wonder why you didn’t see him. He was kept in, hidden. Finally she got kicked out, she did get the sack. She must have been mentally disturbed or something. (Page & Clark, 1977, p.36)

Another recalled:

The housemother hit my little brother across the head and he was half-crying his eyes out when the social worker walked in the door. That time she made out nothing had happened and went all gooey and said, ‘Oh, poor dear, did you hit your head?’ And he said ‘Piss off, you bloody hit me!’ Our social worker said, ‘Is this true?’ and the woman said ‘Yes, because he never closed the laundry basket.’ They got rid of her after that. (Page & Clark, 1977, p.38)

Both accounts reveal not only abuse but some action regarding the abuse, in terms of staff members being dismissed, though there is no indication that any formal investigation into what had occurred took place or that there was consideration of how to prevent similar incidents re-occurring.

One of the accounts in the book, also strongly implied the risk of sexual abuse from some staff:

There are good staff and bad staff and then a lot of people in between who don’t care what goes on. But the bad ones are right kinky and shouldn’t be allowed to look after anybody, not just kids. They should be trained though. But the ones that are bad.. some of them are trained.. and they’re still kinky. They shouldn’t be in child care then (Page & Clark, 1977, p.36)

Kahan (1975) reported the discussions, in 1970, of ten adults who had been in local authority care in England between 1948 and 1969. The youngest of the group was 19 at that time, the oldest 34. Again clear positives about time in residential care were revealed but some of the accounts also spoke of mistreatment.

One recalled a young boy who disliked fish so much that he vomited, but was made to eat it every Friday. Another participant described how:

[The housemother in charge] used to give us malt and cod liver oil, that horrible sticky stuff in a big jar. I didn’t mind it but the rest of them hated it and this little boy did. I remember once she forced it down his throat, holding his nose and pulling back his hair back. I was so shocked at what she was doing I just stood up and said ‘What do you think you are doing?’ He was being sick and everything because he didn’t want the stuff. I looked at the others and they were feeling the way I was feeling and we all just stood up and walked out. We didn’t speak to her about two hours we were so shocked. (Kahan, 1975, p.65)

One of the adults, Valerie, who had been in a psychiatric hospital

as an adolescent reported she was given outdated clothes and was only allowed a bath and clean underwear once a week, and did not see the point in complaining despite having a supportive social worker:

She had complained to the Sister on the ward, who had said there was no money for luxuries. Valerie claimed her own clothes were in her case locked up in a store room because patients were not allowed to wear their own clothes. (Kahan, 1979, p. 67)

One of the participants did report that when she had complained to her child care officer about the way a member of staff had spoken about her mother, the officer came over to the children’s home ‘within a short time and talked to me and I felt as though they had done something about it.’ (Kahan, 1979, p.67).

Another participant however had received a less satisfactory response:

Miranda had been more fearless and outspoken than most as a child but as she pointed out to the children’s officer, she had not succeeded in persuading her to listen sympathetically enough to her complaints about her boarding school to take action and remove her. Only when external events had indicated clearly that the school was no longer suitable had her social worker and the children’s officer brought her back to her long-term home at The Beeches. This was an illustration of how easy it is to ignore the messages children are trying to give. (Kahan, 1979, p.68).

By 1982, there was also a recognition of the rights agenda. Clough’s British Association of Social Work text on residential work (which is a general text dealing with all kinds of residential work, not just residential child care), does include some discussion of residents’ rights and a section entitled ‘protection of rights’, implicitly recognising therefore that those rights could be abused:

In a residential centre people may be managed in a way which denies their rights, and so rights must be specified. (Clough, 1982, p.103)

And:

[T]he rights of residents need emphasis because they are dependent on staff and are comparatively powerless. (Clough, 1982, p.105)

The author advocates that residents need their rights made explicit and argues that protection of those rights is supported by codes of practice, openness, the involvement of a wide range of staff, administrative and outside management of staff knowing more about the details of daily life in the residential unit, review meetings, consumer participation, the transfer of middle management around large residential institutions, keeping case records, inspection, a complaints procedure and the involvement of an outside person with a resident (Clough, 1982, pp.107-109).

6. Overview of The Major Inquiries into Abuse in Residential Child Care in the UK, excluding Scotland

Corby et al. (2001) estimate that from 1945 – 96 there were 72 public inquiries into child abuse in the UK, all but two of which

took place from 1973 onwards. From 1996 – 2000 there were another nine. While only four out of 50 inquiries from 1945 – 1990 concerned residential care, from 1990 onwards they took place in roughly equal numbers to those into abuse in the community. In Scotland, there have only been two major inquiries into abuse in residential child care, both of which have taken place in the last ten years. These are dealt with in the next section.

The first public inquiry in the UK into residential child care after the Clyde and Curtis committees was in 1967 at Court Lees Approved School, Surrey. Following a letter to *The Guardian* from a staff member which alleged that the headmaster and his deputy had subjected a number of boys in their care to beatings resulting in severe bruising, a Home Office inquiry ensued which found excessive use of corporal punishment and a failure to record all occasions when corporal punishment had been administered, as required by the regulations (Corby et al., 2001). The management committee of the school refused to dismiss the head and his deputy, leading Home Secretary Roy Jenkins, to close the school. However, there was no review of practice in approved schools generally, nor a substantial public response to the findings (Corby et al., 2001).

The awareness of abuse in residential child care in the UK began to grow in the mid-1980s with two major inquiries. The second of the two inquiries concerned abuse at Kincora Boys' Hostel in East Belfast. In December 1981 three residential staff from the hostel were jailed for a series of offences including buggery, gross indecency and indecent assault during the 1960s and 1970s. There were allegations that the abuse at Kincora had involved high ranking officials and there had been an official 'cover-up' (Kelly and Pinkerton, 1996). An internal DHSS investigation was held in 1982 and a Royal Ulster Constabulary investigation the following year. The latter uncovered allegations of sexual abuse in other residential establishments which led to the conviction of four other adults (Hughes, 1986), but failed to quell public concern. In 1986, an inquiry was ordered by the Secretary of State for Northern Ireland, with its focus not to re-open investigation of the allegations of abuse but rather to look at the systems in place for preventing abuse and how to improve them (Corby et al., 2001). The inquiry found no evidence of cover-up but criticised the failure to investigate allegations of abuse and made a number of recommendations for future prevention.

In 1985, the officer in charge of Leeways Children's Home in Lewisham was convicted of indecency after taking obscene pictures of children in the home. An inquiry was set up and, like at Kincora, found that the offences had a long history, in this case dating back to at least 1978 (Corby et al., 2001). Like the Sans Everything Reports and The Ely Hospital Inquiry into the institutional mistreatment of patients the late 1960s, however, Kincora and Leeways seemed to be viewed as one-off cases (Butler & Drakeford 2003; Corby et al., 2001), 'aberrations rather than the tip of the iceberg' (Hopton & Glennister cited in Butler & Drakeford, 2003, p.37).

Child abuse in residential child care had started to gain more attention at the end of the 1980s. The Children Act 1989 in England and Wales was the first legislative provision recognising institutional child abuse in the UK, and the 1991 'Working Together under the Children Act' guidance for England and Wales included sections on the abuse of children living away from home. The previous guidance in 1988 had contained only a sentence about the same subject (Creighton, 1992). However, it was 'Pindown' in 1991 which brought what the Clyde Report had

45 years earlier termed 'the fierce light of publicity' to bear on residential child care.

At least 132 children, the youngest 9 years old, were subjected to the Pindown regime between November 1983 and October 1989 in children's homes in Staffordshire (Levy & Kahan, 1991). 'Pindown' was a form of programme abuse. Levy and Kahan said it had been devised by an area residential manager of Staffordshire Children's Homes, Tony Latham, and openly implemented with the knowledge of senior management. It consisted of punishing children who absconded or refused to attend school by confining them to a sparsely furnished room in night clothes and confiscating all their possessions. The children were deprived of company, any form of entertainment and made to do repetitive copying tasks as homework. They had to knock on the door to pass information to staff members, including the fact that they wished to use the toilet (Levy & Kahan, 1991). The system came under scrutiny after a 15-year-old at one of the homes complained to her solicitor. An inquiry was appointed to investigate Pindown immediately after a Granada television programme publicised the system which had been in use (Stanley, 1999). The inquiry called Pindown 'intrinsically unethical, unprofessional and unacceptable' (Levy & Kahan, 1991, p. 167).

The publication of the Pindown Report led Community Care to publish a series on the 'Crisis in Care' and turned the state of residential child care into an issue of public concern once again.

The Utting Report into residential care in England was requested by the Government as a direct result of the Pindown Report (Utting, 1991). The Report gave some attention to abuse stating that 'Children in residential care are vulnerable to exploitation by adults and to both physical and sexual abuse.' (Utting, 1991, Para. 24) and went on to note that 'Children may need protection from other children as well as from adults. Verbal or physical violence should always be treated seriously, and dealt with under the local child protection procedures.' (Utting, 1991, Para. 26)

The Inquiry into Ty Mawr Community Home, a former approved school in Gwent, Wales in 1992 carried out a review of an unusually high number of suicides, attempted suicides or threats of self-harm. The residents were all adolescent males and there were concerns that they were out of control as well as concerns that residents were being improperly treated. The inquiry found that there was an 'over masculine culture at Ty Mawr' and that there "was a degree of low level physical violence (slapping, cuffing, knuckling, that is striking on the head with the knuckles) by certain members of staff.' (Williams & McCreadie, 1992, p. 33). However it also concluded that due to a lack of structure, planning and resources the institution and its staff were left to cope with young people in impossible circumstances (Williams & McCreadie, 1992, p. 51).

In 1991, Ralph Morris, the Principal and joint owner of Castle Hill Independent Special School for boys with educational and behaviour difficulties, was sentenced to twelve years imprisonment having been charged with sixteen specimen counts of offences ranging from physical assault to indecent assault and buggery (Brannan, Jones & Murch, 1993a, p. 2). Allegations of sexual abuse were made by boys to the local police force in the late 1980s but criminal proceedings were not pursued at that time. It appears that the fact that children were placed at the school by different local authorities prevented any co-ordination of the different allegations until a second boy from the same

authority stated he had been abused by Morris (Corby et al., 2001). The inquiry noted that Morris created and exploited a subculture within the school whereby some older and more senior boys were given special privileges and then used to control other pupils. There were many examples of the favoured pupils assaulting other boys at the school at Morris' behest (Brannan et al., 1993a)

The same year as Morris' conviction 1991, Frank Beck, an officer-in-charge of children's homes in Leicestershire, was found guilty on 17 counts involving sexual and physical assault including four offences of buggery and one of rape. Two other children's home staff were convicted of charges of indecent or common assault and a fourth member of staff who was charged died before the case came to trial (Kirkwood, 1993, pp. 1-2). In this case the direct sexual and physical abuse was perpetrated under the cover of Beck's version of 'regression therapy' which was promoted as a treatment of problematic behaviours by young people in the homes run by Beck. The therapy consisted of treating young people as if they were young infants, dressing them in nappies and undertaking personal care tasks for them. It was premised on the grounds it would help them 'regress' in order to deal with previous unresolved emotional issues – including sexual abuse by parents or previous carers. This was in itself a form of programme abuse which the young people found "threatening, violent and humiliating" (Kirkwood, 1993, p. 56). The 'treatment' was, however, used as a front for the physical and sexual abuse of the young people. One 12-year-old, Simon O'Donnell, died after receiving 'regression therapy'. This was found to be a suicide by hanging, however, there has been suggestion that Beck strangled O'Donnell with a towel, trying to restrain him during a sexual assault (Community Care, May 10). Like Pindown, Beck's version of regression therapy was known and sanctioned by management and his work celebrated on TV and in Community Care magazine itself (Stein, 2006). As with Ralph Morris, a number of allegations had been made to the local police force regarding Beck without further action being taken. Following Beck's conviction, as well as the inquiry into Beck's abuse, the Warner Report (1992) investigated recruitment and selection processes for residential staff.

In 1996, the Secretary of State for Wales announced a Tribunal of Inquiry into allegations of abuse in children's homes in the former county council areas of Gwynedd and Clwyd, North Wales, from 1974 onwards. In 1986 and 1987, two staff members had been convicted of sexual offences against young people at a children's home in Clwyd. Around the same time allegations of abuse in a children's home in Gwynedd were made by a former resident and a staff member but did not lead to charges. The staff member involved was subsequently sacked. In 1990, two further staff members from two different residential child care provisions in Clwyd had been convicted of sexual assaults against residents. From 1990-4 there were two Clwyd Social Services inquiries into the abuse and a police inquiry into abuse in both Clwyd and Gwynedd. Concerns were raised that a large proportion of the suspected abusers had a connection to Bryn Estyn Community Home, Clwyd, which closed in 1984. There remained growing concern in the local communities over a cover-up of organised paedophilic abuse. Only six convictions resulted from the police inquiry out of 365 individual reports submitted to the Crown Prosecution Service. Moreover, Clwyd County Council decided not to publish its second inquiry report after their insurers warned that admissions of neglect could invalidate the council's insurance policy (Corby et al., 2001; Parton, 2006; Waterhouse, 2000).

The Tribunal of Inquiry in 1996, under Sir Ronald Waterhouse QC, heard how more than a dozen people who had complained of abuse had met suspicious deaths. During the 18 months that it sat, the tribunal took evidence of 259 complainants, of whom 129 gave oral testimony. It examined the histories of almost 30 residential establishments in Wales and 15 foster homes and investigated the existence of a paedophile ring and allegations of a cover-up. The Inquiry found that there was widespread sexual abuse of young boys in particular in several of the children's residential homes in Wales during the period under review, and other instances of physical abuse. It did not, however, find evidence that there had been a police cover-up about the abuse or establish the existence of a paedophile ring in North Wales children's homes. It did conclude that a number of individual males were targeting teenage males, both within and outside care homes, for paedophilic activities and that:

Many but not all, of these paedophiles were known to each other and some of them met together frequently, although there were strong antagonisms between individuals from time to time. Inevitably, some information about likely candidates for paedophile activities was shared, expressly and implicitly, and there were occasions when sexual activity occurred in a group. (Waterhouse, 2000, Para. 52.85)

7. Reviews and Independent Inquiries into Residential Child Care in Scotland

'Another Kind of Home' (Skinner, 1992) was the equivalent review in Scotland to the Utting (1991) review in England. Its remit was:

To examine the current provision of residential child care and the quality of service provided.

To examine in particular questions of training, control and sanctions, children's rights and inspection.

To make recommendations for maintaining a service of high quality.

(Skinner, 1992, p.3).

While therefore the Review did not have a specific focus on abuse in residential child care, it did cover topics which have a connection to abuse and its prevention. It refers to 'complaints of physical or sexual abuse by staff' (Skinner, 1992, Para. 3.2.13) in a section on complaints, and recommends that there is an independent element of any investigation into allegations and that '[t]he police should be informed whenever there is reasonable cause to believe that a child may have been the victim of abuse' (Skinner, 1992, Para 3.2.13). This paragraph also says that:

Where the allegations are clearly directed at one person some agencies immediately suspend the staff member accused and conduct an investigation. This is not always appropriate, and can lead to staff demoralisation and ineffectiveness if it is an automatic response (Skinner, 1992, Para. 3.2.13)

Recommendation 18 follows on from this paragraph:

Complaints, allegations or suspicions of physical or sexual abuse of young people or children in residential care, should always be referred to managers, or appointed agents, outwith the home and its management; they should, in every instance

where there is reasonable cause to believe that a child may have been the victim of abuse, inform the police. A record should be kept of any allegations made (Skinner, 1992, p.90).

A reference was also found (Donellan, 1993) to the Brodie Inquiry in Scotland in 1992. This was an investigation by Central Regional Social Work Department into Brodie Youth Centre for 12-16 year olds, near Polmont, prompted by allegations that a form of Pindown technique was regularly being used there, including that children were punished:

... by being forced to strip to their underwear, confined for up to 24 hours in rooms with only a bed, and that the centre used two special secure rooms for the isolation punishment. (The Independent, June, 1992, cited in Donellan, 1993 p.5).

The article reports that the inquiry was due to report later in the summer of 1992, however, neither the inquiry itself or any further references were found to it in the published literature.

The Kent Report (1997) and its counterpart in England and Wales (Utting, 1997) were requested following the growing number of established abuse cases in residential child care.

Kent noted that:

In Scotland we have to face up to the fact that, while perhaps we find smaller numbers and less anxiety about organised abuse, we have since 1990 seen a houseparent in an Edinburgh special boarding school, a nurse in a Glasgow children's hospital, a Lothian residential worker, two foster carers in Tayside, a residential worker in Perth, an officer in charge in Dumfries, another in Strathclyde, and a teacher from a special boarding school in the Old Highland region go to prison for abusing children in their care. Former residential care staff are currently awaiting trial in Edinburgh. (Kent, 1997, Para 3.1)

The Report looked at the dangers faced by children living away from home and evidence of different forms of abuse perpetrated against them in children's homes and residential schools, hospitals, penal institutions and boarding schools, as well as in foster care. It then examined the existing safeguards and made a range of recommendations regarding practice within residential care and foster care, ranging from suggestions about daily operational matters such as the maintenance of complaints logs to be reviewed by external managers (Kent, 1997, p.102), to wider recommendations regarding national policy for monitoring, inspecting and reviewing residential establishments and carers. Kent recommended that national statistics should be gathered from Child Protection Registers, that the Child Protection Committee make an Annual Report to the Secretary of State with specific comment on the situation of children living away from home and that there be research looking into factors underpinning abuse of children living away from home and children in foster care (Kent, 1997, pp. 100-101). There were also specific recommendations that there be an 'Appointed Person' as in England and Wales – an independent outsider – charged with making monthly visits to all Homes and providing a written report of the visit to those responsible for the management of the facility (Kent, 1997, p.122), and that every child living outside of parental care and without immediate access to a parent should have a befriender, independent person or guardian appointed (Kent, 1997, p.123).

The Edinburgh Inquiry (Marshall et al., 1999) was a formal independent inquiry established by Lothian Regional Council

following the convictions of Gordon Knott and Brian McLennan in 1997 for serious sexual abuse against children resident in children's homes in Edinburgh Corporation and Lothian Regional Council from 1973 to 1987. Gordon Knott was sentenced to 16 years for abuse committed at Clerwood Children's Home from 1973 to 1977, and at Glenallan Children's Home and various holiday locations from 1978 to 1983. Brian McLennan was sentenced to 11 years for abuse committed at Clerwood Children's Homes from 1977 to 1978 and at Dean House Children's Home from 1978 to 1986. Another former residential worker accused of two charges of abuse was acquitted, while charges against a fourth person were dropped. Knott was found guilty of various charges, including that on "various occasions" he had seriously sexually assaulted a boy between the ages of 5 and 9, another boy between the ages of 3 and 7, a third boy between the ages of 11 to 15 and a girl between the ages of 4 and 8. McLennan was found guilty of serious sexually abusing "on various occasions" a girl aged 14 and a girl between the ages of 11 and 17 (Marshall et al., 1999, p.20).

The Inquiry team, had a remit to investigate whether complaints made by victims were properly handled in the past; to investigate the adequacy of the procedures currently in place to protect children against abuse; and to determine what further safeguards might have been needed.

The Inquiry report highlighted the responsibilities of the local authority's Chief Executive in ensuring all Council Departments were aware of their child welfare and child protection responsibilities, and the responsibilities of the Director of Social Work to ensure understandable policy and practice guidance was issued to social workers, residential workers, children in residential care and their parents. Recommendations also emphasised the need for the development of policies and practice regarding recruitment and selection, highlighting the desirability of children and young people in residential care being involved in this process. Training, support and supervision of residential workers were also indicated as issues of importance. The need to give children and young people appropriate feedback on the outcome of allegations and to monitor their satisfaction with the feedback given was stated. The inquiry also made a range of recommendations regarding the monitoring and visiting of residential facilities and the need for the central monitoring of the frequency of the use of restraints. Visits by social workers to children and young people in residential care were highlighted as a key safeguard and it was recommended that the frequency of visits by social workers should be monitored with patterns of visits used to identify if there were any children in residential care who were not receiving appropriate external support and who could benefit from the services of a Children's Rights Officer. Finally, the report recommended that the 'Whistle-blowing' policy within the council be amended to encourage staff to raise concerns about poor management or other practices which could jeopardise the welfare of residents (Marshall et al., 1999).

The Fife Council Independent Inquiry (Black & Williams, 2002) was commissioned by Fife council after the conviction of David Logan Murphy in 2001 on 30 charges of sexual abuse of children who had been in his care as a residential worker. The Inquiry's remit was to consider the lessons Fife Council should take from the experiences of those who had been abused by David Logan Murphy; to review the actions of the former local authorities in Fife; and to advise whether effective safeguards were in place to protect children looked after and accommodated by Fife Council from future abuse.

The Inquiry investigated abuse perpetrated by Murphy between 1959 and 1989. He was employed in St Margaret's Children's Home in Elie from 1959 to 1973 and at Linnwood Hall day and residential school in Leven from 1976 to 1989. The Inquiry found that a former resident of St Margaret's made allegations against Murphy to the Social Work Department in 1970. The Social Work Department decided the allegations were a matter for the police to pursue and notified them, but neither the police nor the Social Work Department took further investigative action regarding the original allegation, and Murphy continued to work at St Margaret's until 1973. In 1973, four young people at St Margaret's made allegations that Murphy had sexually abused them. They were interviewed by the police but no steps were taken to prosecute Murphy and there was little evidence that 'there was collaboration between the police and social work to assess the allegations' (Black & Williams, 2002, p.27). Murphy was suspended from his job at St Margaret's and then moved to work as a Social Work Assistant with older adults in a local Area Social Work Office. In 1976, David Logan Murphy successfully applied for another post as Housefather at Linnwood Hall school. It appears that references were not sought from Murphy's then line manager, or his last line manager in his post at St Margaret's. A senior social work manager informed the Inquiry that they had warned the senior manager in the Education Department who had responsibility for Murphy's appointment about the allegations made against Murphy in 1973. However, it appeared no action had been taken in light of this information. Murphy was left in the sole care of young boys after his appointment and continued to perpetrate further abuse. Two further allegations of abuse from two pupils at the Linnwood Hall school were subsequently made to the Head Teacher against Murphy but to no effect (Black & Williams, 2002).

The Inquiry's Recommendations included a number of measures to make recruitment and selection processes more rigorous, to help children and young people to better express views about their care, to improve and maintain staff awareness on abuse issues and safeguarding, and to improve the inspection and monitoring process of care facilities (Black & Williams, 2002). Like Kent (1997) and Marshall et al. (1999), the Inquiry highlighted the importance of external visitors to children in residential care, but added that notice should be taken of the child's wishes in this regard (Black & Williams, p.49). Like Marshall et al. (1999), the Inquiry also commented on a whistle-blowing policy, in this case recommending that a policy be introduced and monitored (Black & Williams, 2002, p.62), and also highlighted the issue of restraints on children and young people, recommending that Review and Care Plan meetings should consider ways of working with the child or young person to reduce the need for restraint (Black & Williams, 2002 p.63). Black and Williams (2002) also had a strong emphasis on the importance of input from survivors into the Inquiry Report and the recommendations contain a section on what needs survivors have for support. Accordingly, the first part of Recommendation 14 states:

Wherever the help comes from for survivors the organisations involved need to have the financial backing of the local Council and Health Trust or there needs to be Central Government funding for services for the survivors of abuse across the whole of Scotland. The funding needs to be secure for the future rather than being decided on an annual basis as survivors of historical abuse need long term help. (Black & Williams, 2002, p.54)

While Edinburgh and Fife are the only independent inquiries to be held in Scotland, it should be noted that there have been a

number of other allegations of abuse in residential child care institutions in Scotland. Some criminal convictions against residential care staff have resulted from these allegations while some former residents who have reported abuse have claimed, or are still pursuing separate civil claims for compensation. A large number of these are allegations of historic abuse in voluntary sector residential provisions in different areas of the country. There has also been a recent internal inquiry by a Scottish local authority into abuse in a residential school it managed, which has subsequently been closed. None of these allegations or convictions have been the subject of an independent or formal inquiry at the current time.

8. The Safety Of Convictions Of Residential Child Care Workers Found Guilty Of The Abuse Of Children In Their Care

Some of the literature regarding historical abuse in residential child care questions the safety of convictions of residential child care workers (Beckett, 2002; Smith, forthcoming; Webster, 2005). The topic is a hugely sensitive one and there is considerable disagreement regarding it.

There are two broad and interconnected areas of coverage in the literature questioning the safety of convictions: firstly criticisms of the 'trawling' methods used by the police when investigating allegations of historic abuse, which it is argued encourages false allegations of abuse; secondly, corresponding to this, a view that the amount of abuse in residential child care has been greatly overestimated. A common theme in this material is the likening of investigations into abuse in residential child care to a modern day 'witch hunt' (Beckett, 2002; Smith, forthcoming; Webster, 2005).

Beckett (2002), while stressing that he accepts that 'a significant number' of convicted residential child care staff have committed offences against children, states:

I think that a number of residential social workers are likely to now be serving prison sentences for crimes they did not commit, and there would seem to be a very good case for the evidence in all these cases to be urgently reviewed. (Beckett, 2002, p.628)

Smith goes even further in stating that:

There is evidence to suggest that many allegations are false, based on the possibility of financial reward, a state of affairs that also diminishes the experiences of genuine victims of abuse (Smith, forthcoming, p.2)

He also questions the evidence base underpinning the view that child abuse in residential child care was 'widespread'.

Webster's (2005) focus is the allegations of abuse in residential care in North Wales which led to the Waterhouse Tribunal of Inquiry Report (2000). While similarly acknowledging the existence of child abuse in residential child care, Webster's analysis questions a large number of the allegations in North Wales and is highly critical of the Waterhouse Inquiry. Webster had previously argued (1998 cited in Beckett, 2002) that one reason for the overestimation of abuse was the use of 'trawling' methods by the police. According to Beckett, Webster argues that former residents of residential child care facilities could be motivated to make false allegations of abuse due to resentment

against the 'system', the desire for attention or the wish to claim compensation (Beckett, 2002). Webster (2000) has supported the view that up to 20 innocent care workers have been convicted of abuse in North Wales and the North-West of England.

Corby's review (2006) of Webster is critical of some elements of Webster's (2005) treatment of the events in North Wales and he specifically questions what he sees as one of the implications of Webster's analysis:

He implies that because unravelling abuse allegations is beset with difficulties, we should return to the status quo where the onus is very much on those making the allegations to prove their accusations beyond doubt. Yet we know that in many circumstances that is not possible and that in such cases those in authority have much greater influence than those in their care. (Corby, 2006, p.287).

Concerns regarding the safety of convictions of former residential child care workers had already resulted in The House of Commons Home Affairs Committee examining the way in which investigations into historic abuse were conducted in 2001-02. The Committee defined 'trawling' in the following way:

'Trawling' is not a technical term, rather it is a convenient label used to describe the police practice of making unsolicited approaches to former residents from many of the institutions under investigation. In any investigation, including those into past institutional abuse, the police will contact persons named by the complainant in his or her statement of complaint. Trawling, as we understand it, refers to the process when the police go one step further and contact potential witnesses who have not been named or even mentioned. In a trawl, the police will contact all, or a proportion of, those who were resident at the institution under investigation during the period when the abuse was alleged to have occurred. (House of Commons Home Affairs Committee, 2002, Para.12)

The Committee further noted that:

The term 'trawling' appears to have become associated with criticism of these investigations. As such, it is not favoured by the police; Chief Superintendent Mike Langdon explained to us that they preferred the word 'dip sampling'. For the sake of convenience, we have used 'trawling'—as we have defined it—rather than 'dip sampling'. (House of Commons Home Affairs Committee, 2002, Para 13)

The Committee voiced significant concerns about the ways that 'trawling' methods had sometimes been used and stated:

It has been suggested, and we believe it to be so, that a new genre of miscarriages of justice has arisen from the over-enthusiastic pursuit of these allegations. (House of Commons Home Affairs Committee, 2002, Para. 2).

However the Committee also commented that:

Although we hold some reservations about the conduct of police trawls, we do not accept that trawling should be prohibited. The police have a statutory duty to investigate allegations of child abuse, regardless of whether they relate to contemporary or past events. In general, the longer the delay between the alleged offence and the allegation being made, the more difficult the investigation. We believe that senior officers should retain their discretion to determine the nature

and scale of an investigation, particularly in complex investigations into past institutional abuse. In every case, however, there should be clear justification for the decision to launch a trawl. (House of Commons Home Affairs Committee, 2002, Para. 26).

The Government response to the Committee (House of Commons, 2003) acknowledged the difficulty of investigations into allegations of historic abuse but stated that it did not 'share its [the Committee's] belief in the existence of large numbers of miscarriages of justice.' (House of Commons, 2003, p.4). It further stated that:

The Committee's conclusions would appear partly to have arisen from a combination of assumptions, which include:

- Significant numbers of complainants make fabricated complaints for dishonest motives;
- They conspire to do so;
- These fabrications remain undetected throughout lengthy inquiries;
- A range of agencies, from the police and CPS [Crown Prosecution Service] to personal injury solicitors, are both unaware of these deceptions and/or unwittingly assist them; or are complicit in their fabrication;
- Significant numbers of complainants are either serving prisoners or ex-offenders;
- They are therefore more likely to be dishonest when making complaints of abuse, (although a different standard is applied and their word is relied upon as significant evidence when they are disclosing details of alleged impropriety in the conduct of investigations); and
- "False allegations" are assumed to have occurred in a whole range of circumstances, from acquittals and cases that do not proceed to occasions when their existence is claimed by either those who claim to have made them or their associates. Rarely is there clear substantiation that these allegations have indeed been deceptions.

The Government sees no evidence to support these assumptions and notes that the Committee have themselves recorded their own reservations in this respect. We are concerned that they have nonetheless relied upon them significantly, without the weight of significant and consistent substantiation to back them up (House of Commons, 2003, p.4).

As the Government response implies, one of the difficulties regarding the issue of the safety of convictions is the lack of clear evidence. This is the case as to both the exact nature and extent of child abuse in residential care and as to false allegations as The Home Affairs Select Committee had themselves noted:

We recognise that, whilst on the one hand it is difficult to establish the number of false allegations, on the other, it is hard to gauge the true scale of child abuse (House of Commons Home Affairs Committee, 2002, Para. 22).

The Home Affairs Select Committee noted that, in England and Wales, the Crown Prosecution Service had rejected 79 per cent of institutional child abuse cases referred to the police, compared to only 13 per cent for all cases (House of Commons Home Affairs Committee, 2002). However, the Crown Prosecution Service's decision not to proceed with a case does not necessarily mean that the allegations underlying the case were false. The Committee also heard that the police felt confident that false allegations would be discovered, either during the investigative process or trial,

and that 'at least three individuals have been prosecuted for perverting the course of justice, on the basis of deliberate fabrication' (House of Commons Home Affairs Committee, 2002, Para, 20). Of the 21 per cent of cases which did proceed to trial, convictions were obtained in 83 per cent of cases, mostly via guilty pleas (House of Commons Home Affairs Committee, 2002). The Government response noted that the Criminal Cases Review Commission (CCRC), set up to investigate possible miscarriages of justice in England and Wales, had received 24 applications of cases of historical abuse between 1997 and 2003. Of these cases, seven had been closed without referral to the Court of Appeal, while the remaining 17 cases were still being dealt with at that time (House of Commons, 2003). In 2004 though, it was reported that, in England and Wales, there were more than 100 cases of convictions of carers and teachers which were being reviewed by the Criminal Cases Review Commission and the solicitors' group, The Historical Abuse Appeal Panel (Community Care, 12 February, 2004). While some individual convictions against former residential workers carers have been overturned (Hawthorn, 2006), no up to date figures have been found regarding the number of overturned convictions, in Scotland or elsewhere in the UK, including in the literature which questions the safety of convictions or raises concerns about false allegations of abuse. The Home Affairs Select Committee did note that in Scotland, the Scottish Criminal Cases Review Commission has adopted 'a much wider statutory test' (House of Commons Home Affairs Committee, 2002, Para. 134) than the one used by the CCRC in England and Wales to decide whether cases should be sent to the Court of Appeal: the Scottish Commission criterion is whether miscarriage of justice has occurred, while the CCRC criterion is that the Court of Appeal would not uphold a conviction if a case was referred to it. Consequently, the Home Affairs Select Committee recommended the test used by the Scottish commission on the basis that it did not require it 'to predict the views of the appeal court' (House of Commons Home Affairs Committee, 2002).

In respect of the evidence base regarding child abuse in residential child care in the UK, as noted elsewhere in this paper, the continued absence of clear definitions, national data and systematic research studies make conclusive statements about the nature and prevalence of abuse in residential child care difficult (Kendrick, 1997; Gallagher, 1999; 2000; Stanley, 1999; Stein, 2006). This is all the more true in respect of the nature and prevalence of historical abuse in residential care. This should not, however, obscure the fact that the large number of public inquiries into abuse in residential child care since 1985 have documented a range of physical, emotional and sexual abuse in residential child care in the UK, and it should be noted that there have been no legal challenges to the findings of the major abuse inquiries (Stein, 2006).

There is greater consensus within the literature that the focus on abuse within residential child care, as opposed to other care settings, has been unbalanced. For example, despite the lack of evidence to support the view, White (2003) notes that there is a common view that child abuse is mainly associated with residential child care. As we noted in the introduction to this review, Gallagher (1999) states that the findings of his study indicate that:

Contrary to media representations, the institutional abuse reported here was not just a problem of children's homes, social work or the public sector, but occurred in a wide variety of settings and sectors and was perpetrated by a range of occupational groups. If all children are to be protected, then

policy and practice measures to prevent abuse need to be directed towards a much wider range of institutions. (Gallagher, 1999, p.795)

Several authors have noted the stigma which remains attached to residential child care in the UK since its historical association with Poor Law provision (Abrams, 1998; Tresiliotis, 1988; White, 2003) and the unbalanced focus on residential child care could be seen to both stem from, and reinforce, this stigma.

Colton et al. (2002) considered twenty-four survivors' views of their involvement in large-scale historical investigations of child sexual abuse in residential institutions in the UK. They found that, rather than primarily interested in financial compensation, survivors were motivated to participate in investigations by the desire to see perpetrators brought to justice. The concern to prevent perpetrators committing further abuse against other children was part of this desire. The authors note that while this finding regarding the motivations for participation in historical abuse inquiries 'does not disprove Webster's hypothesis, it does show there are alternative explanations' (Colton et al., 2002, p.544). The study also found there was sometimes a conflict between the desires of large-scale historical investigations to secure convictions against alleged perpetrators, and the needs of survivors for support to process their feelings about what had happened to them. The importance of a public apology from the responsible local authority was highlighted by a number of survivors. The authors note that '[f]or some victims, a public apology by the local authority might well have been more therapeutic in effect than financial compensation' (Colton et al., 2002, p.546). The majority of survivors interviewed also highlighted the importance of skilled long-term counselling and psychiatric help.

9. The Abuse of Child Migrants Sent from Residential Child Care in the UK

The vast majority of emigration of British children to the 'new Dominions' took place from the 1870s until the start of World War I, principally to Canada. Between 80,000 and 100,000 British children were sent there between 1870 and 1930 (Abrams, 1998). Children were also sent to what Britain then called Rhodesia (now Zimbabwe), South Africa, New Zealand and Australia. Around 150,000 British children were sent abroad in total. The exact numbers of children sent from Scottish residential institutions is not known, however 7,000 child emigrants were sent by Quarrier's, 50 from Aberlour Orphanage and 200 from Whinwell Children's Home in Stirling, as well as an unknown number sent from Scottish local authority provisions (Abrams, 1998).

Child emigration continued to Canada, Australia and South Africa in the inter-war years, but at a far slower pace than previously. The post-World War II emigration of children was smaller still but continued until 1967. The most likely destination for children after 1945 was Australia where it is estimated as many as 10,000 children were sent (Bean & Melville, 1989) and it was these children who encountered the greatest abuse. Children were also sent to Canada, Rhodesia and New Zealand in the post-war period. Most child emigrants were sent by voluntary societies in Britain responsible for running residential child care facilities (Bean & Melville, 1989).

While the numbers of children sent in the post-war period were comparatively small, the abuse experienced by some of them was

severe. Those sent to Australia encountered a range of physical, emotional and sexual abuse and over and above this the level of care provided to many of them consistently failed to meet basic needs (Australian Senate Community Affairs References Committee, 2001⁴; Bean & Melville, 1989; House of Commons Health Committee, 1998; Humphreys, 1994; Gill, 1998). One of the premises for child emigration in the post-war period was that it would be difficult to find certain children foster families in Britain. This argument had particularly been applied to Roman Catholic children and Glasgow Corporation emigrated a number of Catholic children on this basis (Abrams, 1998).

However emigrant children overwhelmingly swapped institutional care in Britain for institutional care in their country of destination where there were generally fewer safeguards for their welfare than in Britain (Gill, 1987), and despite the public statements that child emigration schemes were for orphaned children for whom there were no chance of a family placement in Britain, most children had at least one living parent (Bean & Melville 1989; BBC Radio 4, 2003a). Children were frequently misled by the staff looking after them both about what emigration entailed and their family circumstances in order to encourage their agreement to leave. One man sent to Australia from Nazareth House (Residential Children's Home) in Lasswade in 1951 commented:

The nuns told us we were orphans, that we had no family and no future in Scotland. They told us Australia was the Promised Land where we could ride to school on ponies. (quoted in Abrams, 1998, p.143).

It is with good reason that Bean and Melville comment that the 'history of child migration in Australia is in many ways a history of cruelty, lies and deceit' (Bean & Melville, 1989, p.111). Children were informed that parents were dead when this was not the case, family members were not informed children were being sent abroad or misinformed about the nature of the scheme, family members' objections to a child being sent were overridden, contact between the children and family members in Britain was discouraged, with letters censored and sometimes withheld, and siblings sent to Australia together were frequently separated on arrival (Bean & Melville 1989; BBC Radio 4, 2003a).

The emigration of British children from children's homes in Britain began when Maria Susan Rye took 68 children from Liverpool and London to Montreal to Canada in 1869 (Magnusson, 2006). The first children sent from Scotland were 64 boys sent by Quarrier's to Ontario in 1872. Thirty-five were boys from Cessnock Home and 29 were from in orphanages in Maryhill and Edinburgh to Ontario. It was another ten years before Barnardo's sent the first of their children (Magnusson, 2006).

According to Magnusson:

For Quarrier, emigration was not just a convenient means of clearing Glasgow's streets of waifs and strays; of course it was clear that his Glasgow Homes had limited accommodation but Quarrier also firmly believed that emigration was in the best interests of his children and that Canada was truly a land of opportunity, where boys and girls could make a good fortune for themselves in a new eager country which needed them. (Magnusson, 2006, p.68).

This may have been true, but Hendrick (2003) points towards other motives behind the child migration schemes. First, there was an economic interest as it was cheaper for organisations to

maintain children in the Dominions than in Britain. Second, there were political concerns about the numbers of homeless children in cities and how this could affect social order. Third, religious concern within the 'child rescue' movement that children cared for in institutions had to be removed from what was considered the damaging influence of birth family members whose lifestyles were viewed as corrupting and immoral. Finally, imperialism provided a motivation as, from the beginning of the 20th century, child emigrants were seen as a means of solidifying British control of its overseas imperial territories.

While the early emigration schemes received much publicity and large public support, concerns emerged about the welfare of child emigrants soon after they started. In 1875 Andrew Doyle, a former Poor Law Board inspector, visited Canada as part of an investigation of the British emigration bodies and raised concerns from what he had seen that they were poorly run (Magnusson, 2006). The Glasgow Herald had expressed concerns about the emigration schemes in 1883 and the concerns were given strength by the death of Barnardo's boy, George Green, at the hands of his carer, Helen Findlay in 1896. He died as a result of neglect, starvation and violence at the Findlay's farm outside Ontario. Neighbours reported they had frequently seen Findlay hitting George Green. It transpired that George Green had been of weak physique and poor general health, questioning his suitability for this type of emigration in the first place (Magnusson, 2006).

Following this, in Ontario, JJ Kelso initiated The Ontario Act 1897, to provide greater monitoring and regulation of child emigration schemes. By the time of the Act, there were nearly 40,000 British children in Canada, nearly 75 per cent of these on farms in Ontario. William Quarrier stopped the emigration of children from his home in 1897, annoyed by what he saw an unnecessary state interference given that all the feedback he had received about Quarrier's emigrant scheme was positive (Abrams, 1998; Magnusson, 2006).

The year after Quarrier's death, however, in 1904, child emigration from Quarrier's re-started. From 1872 – 1930s 7,000 children went overseas from Quarrier's, which was a small proportion of the total of 100,000 sent from Britain during this time, but 35 per cent of the 20,000 children admitted to Quarrier's Homes during this period (Abrams, 1998).

After World War II British Columbia lifted child migration laws temporarily from 1945 – 8 and Fairbridge Farm School sent children from England to training centres for these three years. (Magnusson 2006). The renewal of the Empire Settlement Acts and the assisted passage agreement with Australia in 1946 facilitated emigration there as well as making emigration possible to New Zealand, Rhodesia and South Africa in the post-war period (Bean & Melville, 1989).

The motives behind the child migration schemes in the post-war period varied according to the country of destination. The Fairbridge scheme to Rhodesia sent children out to become part of the governing white British elite, and was a success in those terms (Bean & Melville, 1989). Those children sent out to Australia on the other hand were earmarked to fill shortages of manual workers in the labour market. As a result of these differential motives for the schemes, the treatment and integration of those children sent to Rhodesia was very much better than that of children sent to Australia (BBC Radio 4, 2003c).

⁴ Referred to hereafter as The Australian Senate Inquiry

Within the UK, there were concerns over child migration schemes from the start of the post-war period and whereas the earlier waves of child migration had been greeted with fanfare and publicity, those in the post-war period were undertaken with as little of either as was possible (Abrams, 1998). Due to such concerns, the 1948 Children Act contained specific regulations regarding child emigration. Amongst these were that the Home Secretary had to approve the emigration of each individual child, and be persuaded it was in their best interests; that the parents of the child should be consulted and, where this were not possible, the child themselves had to give clear consent.

The British Federation of Social Workers was one organisation that voiced concerns about child emigration in the immediate post-war period. This initially arose after the Federation was informed that children recruited by Fairbridge Society, London to go to South Rhodesia were not actually orphans but living with both parents. The Federation also expressed concern over the enforced censorship of letters sent between children and their families in Britain and the fact children were encouraged to terminate contact with family members (Bean & Melville, 1989). In response, in 1946, the Federation was assured by the Fairbridge Farm Schools of Australia and Canada that there would not be any large-scale migration of children. The Federation was not satisfied by this, however, and during the passage of the Children's Bill through Parliament lobbied for specific regulation of the activities of voluntary societies involved in emigration schemes. Clause 32 of the bill (section 33 of the Children's Act 1948) stated the Secretary of State 'may by regulations' control emigration arrangements for children cared for by voluntary organisations. The Federation wanted 'may by regulations' to be replaced by 'shall by regulations' (Bean & Melville, 1989). However, it withdrew its insistence after assurances issued by the Lord Chancellor, Viscount Jowitt, during the Parliamentary debate on the bill. Jowitt gave explicit assurances that the Home office would ensure no child would be sent abroad 'unless there is absolute satisfaction that proper arrangements have been made for the care and upbringing of each child' (cited in Bean & Melville, 1989, p.169).

The extent to which this assurance proved hollow is striking. While in Scotland it was the case that the Scottish Office refused permission for a number of children to be sent abroad on the grounds it was not in their interests and gave permission for a child to emigrate only once parental consent had been received (Abrams, 1998), the low priority given to ensuring what conditions child migrants were living in Australia is demonstrated by the fact that the first formal government assessment of the conditions for migrant children living in Australia was not undertaken until 1956. The inter-departmental committee on migration policy was highly critical of the care provided to child migrants in Australia, and singled out for particular criticism those institutions, like the Fairbridge Society and organisations managed by the Roman Catholic church, which placed children exclusively in institutional settings (Bean & Melville, 1989). The report also detailed criticisms about the care provided by a number of residential institutions for child migrants, however these criticisms were contained within a part of the report which was not published (BBC Radio 4, 2003 b). Astonishingly, despite the report, the numbers of children sent to Australia from 1956-66 actually increased (Bean & Melville, 1989). Grier (2002) argues that there was an intentionality to successive British Governments' failure to regulate the actions of voluntary agencies involved in child migration. On the one hand, the lack of direct state involvement in child migration schemes, in most cases, distanced government from responsibility for those

children involved in the schemes. On the other hand, successive governments' tacit acceptance of child migration to Australia allowed them to avoid the diplomatic fallout of curtailing, or even stopping, child migration which would have undermined a central plank of post-war Australian immigration policy to attract immigrants of 'good British stock'.

Those child migrants subject to the worst abuse were Roman Catholic boys sent to the Christian Brothers' remote farm schools in Bindoon, Tardun and Clontarf, Western Australia where there was systematic and widespread physical, emotional and sexual abuse (Bean & Melville, 1989). Children as young as eight were forced to engage in construction work at Bindoon (Humphreys, 1994) while the abuse of children at those schools was sometimes so severe that at least half a dozen boys had to have corrective surgery; none of the cases were reported as matters of concern by the medical staff involved (Bean & Melville, 1989).

Former residents of Goodwood Orphanage for girls described treatment from staff characterised by physical cruelty and a lack of emotional warmth. There were also elements of programme abuse that resonated with the Clyde and Curtis Reports' descriptions of the worst residential child care facilities in Britain at the end of World War II, with girls prevented from keeping any personal possessions and having to share items such as toothbrushes and underclothes (Bean & Melville, 1989).

The regimes at Fairbridge Farm schools in Pinjarra, Western Australia, and Molong, New South Wales were generally better but as in the case of some institutional abuse in British children's homes, a child's experiences were highly dependent on the cottage parent in charge in a particular cottage (Bean & Melville, 1989).

The Australian Senate Inquiry (2001) found that child migrants were subject to a range of sexual, physical and psychological abuse. Children were beaten with specially made implements designed to cause as much pain as possible, and the severity of some beatings caused physical impairment in later life. While some physical chastisement administered would have been considered legal at that period: 'Brutality was endemic at some institutions and at times descended into what can only be described as torture' (Australian Senate Inquiry, 2001, p.72). The Inquiry found that child migrants were exposed to sexual abuse from a range of individuals including:

priests at the institution, members of families to whom children were sent on holidays or to work, workers at the institution, regular visitors to the institution, and also in some institutions by other older children.
(Australian Senate Inquiry, 2001, p.72)

There was also a wider sense in which child migrants were subject to 'programme abuse' and 'system abuse' in that the specific regimes that were inflicted upon children were generally abusive and their wider needs were not met. Children were forced to undertake heavy labouring tasks, provision of basic items such as food and clothing was often inadequate, educational provision was poor and children were sometimes re-named, sometimes referred to by number rather than name, and, in general, deprived of any understanding of their cultural and family history (Australian Senate Inquiry, 2001). On leaving these residential institutions, young people, who had been encouraged to break any contact they may have had with family members in Britain, were very rarely provided with any type of after-care to help them make the transition into wider Australian society, of which

they had little knowledge and with which they had no direct ties (Australian Senate Inquiry, 2001; BBC Radio 4, 2003d).

In 1961, the Home office, while allowing the continuation of child emigration, expressed reservations about the work of voluntary societies involved in such schemes, while the Scottish Office expressed its dislike of the fact that voluntary emigration societies' work was only reviewed informally and with their consent (Abrams, 1998). It was not until 1967 that child migration finally stopped. However, it is notable that this was not through any external intervention, but only because the supply of child emigrants to voluntary societies, who were the mainstay of the post-war child emigration schemes, dried up as increasing numbers of British children were placed in local authority care, and because the Australian economy had diminishing need for their labour (Bean & Melville, 1989; BBC Radio 4, 2004d). It was not until 1982, fifteen years after child migration schemes had come to an end, that the British Government made it a legal requirement for any voluntary association to get the consent of the Secretary of State before sending a child abroad (Bean & Melville, 1989).

The House of Commons Health Committee inquiry (1998) on child migration and the Australian Senate Inquiry Report (2001) into the treatment of child migrants in Australia recognised the abuse that many child migrants had suffered. Both inquiries attributed collective responsibility for the abuse to all the governments and agencies which had been involved in the child migration schemes.

10. The Extent of Abuse in Residential Care in the UK

We have stated earlier, that there is limited research evidence about the extent and prevalence of abuse in residential care in the UK, and that definitional issues and absence of national data and systematic research make conclusive statements difficult, particularly in relation to historical abuse (Kendrick, 1997; Stein, 2006). There has been considerably more research carried out in the USA and this has been detailed elsewhere (Kendrick 1997; Gallagher, 1999). The limitations of the research evidence have been a factor in 'alternative' readings of the scale and nature of abuse in residential child care and a questioning of the claims that abuse is widespread (Smith 2007, Webster 2005). Certainly, the particular focus on abuse in residential child care is to be questioned, compared to other institutional settings.

The National Association of Young People in Care (NAYPIC) made an early attempt to highlight abuse in the care system in the UK. They studied the cases of fifty young people who had complained to them in a three month period (Moss, Sharpe & Fay, 1990). NAYPIC found that of the 50 cases '65% of the young people... were sexually abused whilst in care' and '85% of female young people said they had suffered sexual assault' (Moss et al., 1990, pp. 4-5). Over three-quarters of the young people reported that they had been physically abused in care and the 'complaints varied from being hit whilst arguing with staff, up to and including systematic, severe physical abuse' (Moss et al, 1990. p. 5)

A further attempt to provide more detailed information on institutional abuse was carried out by the NSPCC. A survey of NSPCC teams and projects in March 1992 identified 84 cases of alleged abuse in residential or educational settings over the previous year (Westcott & Clement, 1992). The authors

acknowledge that the sample is unrepresentative as it is likely that these are particularly severe cases. Two-thirds of the children involved in the Australian Senate Inquiry, 2001, (63 per cent) were male and one-third were female; 12 per cent of the children were under 10 years; 43 per cent were between 10 and 14 years old; and 45 per cent were between 15 and 17 years of age (Westcott & Clement, 1992, p. 7). A large number of children (42 per cent) had been placed in the residential establishment because of previous abuse. The majority of children (69) suffered sexual abuse; 16 suffered physical abuse; 4 suffered emotional abuse; 6 suffered from inappropriate restraint and 9 suffered other forms of abuse (Westcott & Clement, 1992, p. 11). In half the cases, the perpetrator was a peer, in 43 per cent of cases it was a staff member, and in the other cases it was a sibling. The majority of abusers were male (81 per cent). For the 25 staff perpetrators where their age was known, the majority (19) were aged 40 and above (Westcott & Clement, 1992, p.11).

A more recent account of abuse in residential establishments has been provided by ChildLine (Morris & Wheatley, 1995). They provide an analysis of calls made by 539 children in England and Wales and 137 children in Scotland in 1992/93 over the first six months of the line's operation. Over a quarter of the boys (18) and 11 per cent of the girls (24) from England and Wales and eight callers from Scotland reported bullying and violence from other residents as their main problem. Allegations of current sexual abuse were made by 25 children in England and Wales. In 9 cases, male residents were the perpetrators, in eight cases it was male residential staff and in most of the remainder, the abuse had occurred on home visits (Morris & Wheatley, 1995, p. 54).

Gallagher, Hughes and Parker (1996) carried out a survey of institutional sexual abuse in England and Wales in the context of a national survey of organised sexual abuse. Questionnaires were sent to every police force (N=43), Social Services Department (N=116) and NSPCC team (N=66) in 1992 requesting information on each case of organised, ritual or institutional abuse between January 1988 and December 1991 (Gallagher, Hughes and Parker, 1996, p. 216). Institutional abuse was defined as, 'a case in which an adult has used the institutional framework of an organisation for children to recruit children for sexual abuse' (Gallagher et al., 1996, p. 217). The authors had doubts about the reliability of the findings in that they believed that agencies had reported only a small proportion of high profile cases, 'such as those involving allegations of ritual abuse or large numbers of perpetrators and children' (Gallagher et al., 1996, p. 218). Of the 211 cases reported to the national survey, there were 45 cases of institutional abuse and 16 (8 per cent) were in residential institutions (Gallagher et al., 1996, p. 218).

Research on perpetrators of child sexual abuse has also indicated to some degree the extent of abuse in care settings. A study of social work, criminal justice and health service case files for a sample of 501 child sexual abusers found that '6% of the sample were known to the victim in their capacity as foster or adoptive parent, male residential care-giver or a male who was in care with the victim' (Waterhouse, Dobash & Carnie, 1994, p.16); this is a similar percentage as found in the Childline research in Scotland (Vincent & Daniel, 2004).

Hobbs, Hobbs and Wynne (1999) aimed to determine the frequency and pattern of abuse and neglect of children seen by paediatricians and who were placed in foster or residential homes over a 6-year period. 133 children in foster care were identified following 157 episodes (suspected abuse – 51; probable abuse – 66; confirmed abuse – 40). Foster parents were the perpetrator of physical

abuse (28 children) and sexual abuse (22 children); natural parents were perpetrators of sexual abuse in relation to 22 children; and children were perpetrators in 24 cases of sexual abuse (Hobbs et al., 1999). During the same period, 25 children living in residential homes were identified in 34 incidents regarding concerns about physical or sexual abuse. Twelve children were physically abused; six were sexually abused and six were both physically and sexually abused. Eight children were abused by a staff member (all involving physical abuse); four children were abused by another child within the home (two sexual abuse and two physical abuse); and 13 were abused by a child outside the home (nine sexual and four physical). Hobbs et al. (1999) found that there was a higher referral rate for foster care (29.54 per 1,000 placements) than for residential care (23.3 per 1,000 placements); this compares to a referral rate of 3.9 per 1,000 children for the general population.

Gallagher (2000) presents findings from a study of institutional abuse cases referred to social services departments or the police in eight local authority areas from January 1988 to December 1992. A total of 65 substantiated cases of institutional abuse were identified: 'If the findings from the eight areas were typical of the country as a whole, then, in the same five-year period, there would have been between 920 and 930 cases of institutional abuse in England and Wales, or about 185 cases per annum' (Gallagher, 2000, p. 799). Three main types of setting were involved in the identified cases: community-based settings (34 – 52%); foster home (22 – 34%); and residential (9 – 14%).

From these results it would seem that – contrary to impressions created by media reports – residential institutions, which include children's homes, make up a relatively small proportion of institutional abuse cases (Gallagher, 2000, p. 800)

Gallagher, however, does go on to set out a number of caveats in relation to interpreting these figures.

The Abuse of Young People by other Young People

While much of the focus of historical abuse has been on abuse by members of residential staff, there has been a continuing concern about abuse by other children and young people (Barter, 1997). Abrams (1998) cites an interview with a woman in an orphanage around the end of WWII who speaks of the bullying of children who were different. Wills (1971) noted widespread abuse from some young people to others in Cotswold Approved School.

An early piece of research in Nottinghamshire, found that nearly one third of children placed in care due to sexual abuse were further abused by other residents (Lunn, 1990). Westcott and Clement (1992) found that in a survey of 84 children from 28 teams in the UK, over 50 per cent of abusers in survey were peers of the victim, 42 per cent were below 18, while 43 per cent were staff.

MacLeod (1999) estimated that it is possible that over half the sexual assaults against children and young people in care are committed by other children and young people. The Report of the Committee of Enquiry into Children and Young People Who Sexually Abuse Other Children (NCH, 1992) focussed on the need to place children and young people in appropriate placements where they are not vulnerable to further abuse from other young people. Farmer and Pollock (1999) however found that in fewer than one third of cases, from their interview sample of 40 carers, had the potential risks to or from the child/young person been addressed. In just under 50 per cent of cases no information regarding the child or young person's previous

history of abuse or being abused was given to carers at the start of the placement.

Sinclair and Gibbs (1998) found that nearly half (44 per cent) of the 223 young people in their study, stated they had been bullied during their stay in the children's home. Further, 23 per cent of females and 7 per cent of males reported that someone had tried 'to take sexual advantage' of them, with peers rather than staff being responsible.

The most detailed piece of research on this was conducted by Barter and her colleagues (Barter, 2007; Barter et al., 2004). This research took place in 14 English children's homes and 71 young people between the ages of 8 and 17 were interviewed, as well as 71 residential staff members. The aim of the research was to clarify the context within which particular types of violence occur, rather than measure the frequency of violent incidents. Four different forms of peer violence were derived from young people's accounts:

- Direct physical assault – e.g. punching, grabbing hair, beatings.
- Physical 'non-contact' attacks which harmed young people emotionally rather than physically – e.g. destruction of personal belongings.
- Verbal abuse
- Unwelcome sexual behaviours – e.g. flashing, inappropriate touching, rape. (Barter, 2007, p. 141)

Three-quarters of young people experienced physical assault, mainly as victims (40) but also as perpetrators (25), and this ranged from low-level physical violence to high-level violence such as knife attacks and severe beatings. Non-contact violence was experienced by nearly half the young people, generally as part of a wider cycle of peer violence. Low-level verbal insults seem to be a common aspect of residential life. High-level verbal attacks which contravened boundaries of acceptability, were considered to be more damaging than some forms of high-level physical attacks. Sexual violence was reported the least often; girls were three times more likely to report this than boys, highlighting the issue of gender, sexuality and abuse (O'Neill, 2007). All the incidents involved some degree of coercion and most perpetrators were male (Barter, 2007)

11. Factors in Abuse in Residential Care

Enquires into the abuse of children and young people in residential child care and the broader literature have identified a number of factors which contribute to the potential for abuse. The identification of these factors also suggests the issues which need to be addressed in order to safeguard children and young people in residential care. Colton (2002), for example, identifies the main factors as including: the training and education of caregivers; the management and organisation of residential care; the culture of residential institutions; the status of children in public care; and issues concerning masculinity and sexuality (Colton, 2002, p. 34)

Denial of Abuse

Bloom (1992) suggests that the single greatest impediment to adequately protecting residential clients from sexual abuse is the attitude that 'it can't happen here' (Bloom, 1992, p. 133). Brannan, Jones and Murch (1993a; 1993b) highlighted that a significant feature in the investigation of abuse at Castle Hill School was the 'disbelief of other professionals and parents and their initial inability to accept and comprehend the sheer volume and extent of the abuse' (Brannen et al. 1993b, p.273).

In relation to Scotland, Black and Williams (2002) state:

Public attitudes to care staff in these years was very positive. Staff would be seen as devoting their time and life to children in need. There would have been total disbelief at any hint of abuse by staff to gratify their own sexual needs. A former member of the social work management team recalls that in the 1960's and 1970's there was a lot of scepticism by the police about allegations of sexual abuse by girls against their fathers. As young people in care were already seen as having problems and as being trouble makers, the likelihood of being believed when making an allegation about a respected member of staff, would be very low. (Black & Williams, 2002, p.19)

Research in the USA has highlighted that residential establishments may be reluctant to report incidents of abuse because they fear damaging their reputation, and the possible loss of their credibility, referrals and licence (Durkin, 1982a; 1982b; Gil & Baxter, 1979; Harrell & Orem, 1980; Powers, Mooney & Nunno, 1990). Colton (2002) highlights the 'cult of silence' which is 'a common characteristic of enclosed, inward looking, organisations which reject criticism, are unreceptive to new ideas, and encourage routines and patterns of practice that are rigid and conservative' (Colton, 2002, p. 37). This leads us into another important factor in abuse of children and young people in care.

Isolation and Vulnerability of Children in Residential Placements

A significant feature of residential child care, particularly in the past, concerns its physical and social isolation. Wardhaugh and Wilding (1993) state that:

The corruption of care is more likely in enclosed, inward-looking organisations (Wardhaugh & Wilding, 1993, p. 21; see also Colton, 2002).

Berridge and Brodie's (1996) comparison of the Pindown, Ty Mawr and Leicestershire homes (Frank Beck) cases found that the social isolation of the units in the latter two cases reduced the chance of identifying the abuse. They are unclear as to whether social isolation was a factor in the 'Pindown' case, however the inquiry report into Pindown noted 'the resistance to experiences and ideas from the outside' (Levy & Kahan, 1991, p.154).

In 1973, White's study of residential child care in England and Scotland noted that:

The staff (mainly those who live in) clearly felt isolated in more than one way in nearly all the homes... Apart from this almost physical isolation it may be that the isolation from decision-making and from an overall view of what is happening, takes its toll too. This is a persistent and inherent problem in residential care. (White, 1973, p. 442)

Doran and Brannan comment that the likelihood of abuse is increased by: 'the isolation of the institution from the wider network of care. This isolation can be exacerbated by geographical considerations' (Doran & Brannan, 1996, p.158). Inquiry reports have also highlighted children's isolation as a factor inhibiting their reporting of abuse (Hughes, 1986; Levy & Kahan, 1991, Kirkwood, 1993; Marshall et al., 1999; Black & Williams, 2002). The physical and geographical isolation of residential establishments is likely to have the effect of reduced visits by professionals and families.

Children and young people in residential establishments are also

isolated by the social and political processes which bring them in to care. It can be argued that all children are socially excluded. Hill, Davis, Prout and Tisdall (2004) highlight the fact that while children are one of the most governed groups in society, and some of the highest users of state services (health, education and social security), they 'traditionally have had little or no input into national and local policies' (Hill et al., 2004, p. 78). Stein highlights, however, that these were not just any children but children in care:

They were children and young people who, in the main, came from very poor families and neighbourhoods (Bebbington & Miles 1989), who had experienced neglect, physical or sexual abuse... Many had difficulties within their families, which often manifested itself in problems such as not going to school, running away from home or getting into trouble, and some were children with physical disabilities or emotional and behavioural difficulties whose families were unable to care (Stein, 2006, pp. 12-13)

Kendrick (2005) stresses that not only the prior experience of children and young people children in residential care, but the very process of entering residential care reinforces their social exclusion. Entering residential care is likely to be a stressful time for children and young people because of feelings of displacement, loss and lack of control (Hayden et al., 1999). The social stigma related to residential child care has also been emphasised by children and young people themselves (Polat & Farrell, 2002; Ridge & Millar, 2000; Who Cares? Scotland, 2004).

Discussing the care system as whole, White (1999) writes:

They are different (socially excluded) from other children by virtue of a number of different labelling processes which make themselves felt at school, in the neighbourhood, in relation to the 'public' world of social services – and, of course, because they are palpably not included physically or psychologically in their own families (White, 1999, p. 73)

Colton (2002) stresses the 'indifference' and 'ambivalence' of public attitudes to children in care. While every major review of residential care (Wagner, 1988; Utting, 1991;1997; Skinner, 1992; Kent, 1997) has underlined the need for the existence of residential child care sector, the stigma attached to residential care is highlighted in much of the literature. Abrams (1998) notes that: 'Girls and boys sent to a children's home are Scotland's forgotten children... Since Scotland had rejected the poorhouse for its needy children, it was widely assumed that only 'problem' children were sent to an institution' (Abrams, 1998, p.78). A number of other authors have commented on the continued existing connection made between residential institutions and the stigma of poor law aid (Corby et al., 2001; Kendrick & Fraser, 1992).

The power imbalance between adults and children can be exacerbated by the residential environment:

Children in institutions are frequently described as a 'voiceless' population, having no control over decisions affecting their current and future placements, and no influence over the quality of care they receive (Westcott, 1991, pp. 12-13; see also Nunno & Motz, 1988; Stein, 2006; Wardhaugh & Wilding, 1993)

This is a crucial factor in preventing children from reporting abuse and has been highlighted in a number of Inquiry reports (Hughes, 1986; Levy & Kahan, 1991, Kirkwood, 1993; Waterhouse, 2000).

Siskind stresses that children in institutions are often particularly vulnerable to sexual abuse 'because of their developmental lags and insecurities and their increased reliance on adults' (Siskind, 1986, p. 15). The particular vulnerability of disabled children to abuse in residential settings has been noted in this regard (Doran & Brannan 1996; Kendrick, 1997; Oosterhoorn & Kendrick, 2001; Stein, 2006; Westcott, 1991b).

Management and Organisation

Wardhaugh and Wilding (1993) identify both management failure and the absence of clear lines of accountability as factors in institutional abuse, while Colton (2002) notes that the Waterhouse Report 'reveals a complete failure of management and accountability at every level' (Colton, 2002, p.35). Berridge and Brodie, in their comparison of cases of abuse in residential care in the UK identify three common features:

... management of facilities and heads of homes tended to be ineffective or non-existent. Line managers also had minimal, if any, direct contact with units and so were in no position to observe malpractice, assuming of course that they would have recognised it. Adequate complaints systems were not in place (Berridge & Brodie, 1996, p. 184)

Wardhaugh and Wilding stress the 'absence of clear lines and mechanisms of accountability' as a factor in institutional abuse (Wardhaugh & Wilding, 1993). Stein (2006) also sees the failure of managerial, organizational and inspection systems as central to the abuse of children in residential care. He stresses the role of management in suppressing complaints and 'whistle blowing' by individual members of residential staff.

Siskind discusses a number of 'administrative styles' which have been identified with patterns of institutional sexual abuse: an autocratic director, protected by strong political and administrative networks, discourages participation by staff and residents in shared decision-making; emphasis is placed on the difficulty of handling residents and on control; reliance is placed on theoretical or ideological models which tend to distance and dehumanize relationships with residents; and an oppressor mentality promotes hostility toward females, children or minorities (Siskind, 1986, p. 20; see also Wardhaugh & Wilding, 1993). Colton (2002) and Stein (2006) also identify the way in which institutional cultures can develop to deprive children and young people of their 'humanity'.

Training and Conditions of Residential Staff

The Curtis Committee (1946) viewed the training of child care staff as of such importance to improving the quality of residential care that it released an interim report urging the creation of a new body to manage new training courses in England. The first priority was training for staff in children's homes. This focus on the training of residential child care staff has been repeated in each and every inquiry report since. Despite this, there continues to be major concerns about the rate of progress in training residential staff (Colton, 2002), and ensuring that they have attained the qualifications necessary for registration. Recent cross-national, comparative research clearly links the level of qualification of residential child care staff, with the outcomes and well-being of children and young people in residential care (Cameron and Boddy, 2007)

Durkin (1982a) stresses the fact that institutional work brings out the worst in child care workers. Baldwin cites research which showed how the attitudes of child care workers on the causes

and handling of delinquency changed from being 'quite enlightened and permissive' when they started working in residential care to being 'much less permissive', and showing 'punitive, unenlightened views, shared with other personnel' (Baldwin, 1990, p. 150) when they had done the job for some time. Residential workers are often overworked and underpaid and they have little say in decision-making (Baldwin, 1990; Gil & Baxter, 1979; Nunno & Rindfleisch, 1991; Wardhaugh & Wilding, 1993). Tired caregivers suffering from burnout may abuse children, and a number of authors have identified the way in which burnout is characterised by increasing negative attitudes towards clients or children including depersonalisation and dehumanisation (Edwards & Miltenberger, 1991; Maslach & Jackson, 1981; Mattingly, 1981; Stein 2006).

Sexuality, Gender and the 'Targeting' of Residential Care

The lack of a focus on gender and sexuality in relation to the abuse of children and young people in residential care has been highlighted by a number of authors (Green, 2005; O'Neill, 2007).

Gender inequalities in residential children's homes need to be illuminated and challenged, and more recognition given to the impact of gender on workers' relationships and attitudes, management practices, the abuse and exploitation of children and ultimately on the quality of the residential experience and outcomes for girls and boys (O'Neill, 2007, p. 102)

The anxieties of residential child care staff in dealing with sexuality have been highlighted and the implications of this for practice in terms of denial, uncertainty, reactive, punitive and inappropriate responses, particularly in relation to 'peer sexual abuse' (O'Neill, 2007; Green & Masson, 2002; Kendrick, 1997)

Pringle discusses the broader issues of abuse by men and he argues that 'if the male potential for abuse is so organically linked to both masculinity and entrenched patriarchal structures as suggested in this paper' (Pringle, 1993, p. 16), then the role of men in care services must be questioned. Berridge and Brodie (1996) found a 'macho' or masculine culture to be a factor in the three inquiry reports they examined.

Wolmar (2000 in Colton, 2002) has argued that the increase in male staff in residential establishments after the 1960s has been, given that the vast majority of perpetrators are male, a major factor in abuse in residential child care. Wolmar does not argue against the employment of males however, noting that children, particularly males, need good male role models. He however does articulate the need for greater safeguards against abuse where men are employed.

The literature stresses that paedophiles target work settings and activities which will give them access to children whom they can abuse (Gallagher, 2000; Sullivan & Beech, 2002). Colton and Vanstone (1996) conducted in-depth interviews with seven men who worked with children and who sexually abused them. They found choice of career as a motive for abuse varied from individual to individual, but could include purposive selection of both particular job types and duties within the job role that could provide opportunity for abuse, as well as underlying motivations that were not clear to the individuals themselves at the time.

Brannan et al. comment that: 'the control and seduction of a great number of young boys proved to be an underlying motivation for the conception and growth of Castle Hill School' (Brannan et al., 1993a, p. 6).

A number of inquiries (Hughes, 1986; Kirkwood, 1993; Waterhouse, 2000) have considered whether paedophile rings existed around residential care facilities. Kirkwood identified other cases of sexual abuse in children's homes and while concluding that the evidence did not tend to support that a paedophile ring was operating noted that: 'during the period 1973 to 1986 there was an alarmingly high number of child sexual abusers at work in Leicestershire Children's Homes' (Kirkwood, 1993, pp. 295-296). As noted above, Waterhouse (2000) did not find the existence of a paedophile ring in North Wales but did comment that many of those adults involved in abusing children in care homes knew each other and shared information about possible targets for abuse.

These issues highlight that the importance of addressing issues of gender and sexuality in residential child care, particularly in relation to the abuse of children and young people.

12. Conclusion

This literature review has aimed to draw together published material on the historical abuse of children and young people in residential child care in Scotland. We have been conscious while doing this that there has been an inevitable focus on the negative experiences of children and young people. Briefly, in this conclusion, we hope to highlight the lessons learnt from such negative experiences so that in the future children and young people can be sure to experience the very best that residential child care and the staff members who work in the sector can offer. There are three crucial aspects in safeguarding children from abuse. Staff and carers must be of the highest quality which demands rigorous procedures in selection and assessment, and ongoing training and support. There must be an open culture and environment in residential care. Finally, listening to children and young people is absolutely central to safeguarding them from abuse and harm.

Staff members themselves are central to safeguarding children and young people in residential care. Recruitment and selection practices must be improved to ensure that the best candidates are selected, and dangerous candidates are deterred. Staff members must be trained and qualified to an appropriate level in order to undertake the complex task of residential child care to the best of their ability. They must receive regular supervision and be supported by management, both within the residential establishment and by external management and leadership. They must be supported by other professionals and consultancy to deal with the multitude of difficult issues that they will face in working with the children and young people in their care. Through such efforts residential child care will be staffed by confident, autonomous individuals responsible for the delivery of a professional quality and calibre of nurture and care.

There must be a concerted effort to improve the status of residential child care and reduce the stigma linked with the sector. This involves improved resources at a number of different levels: in the quality and design of buildings; in the pay and conditions of staff members; and in the range of residential provision in order to afford choice and the availability of the most appropriate placements.

Residential child care must provide an open environment and culture so that staff members can reflect on their practice, identify concerns, give feedback and access complaints systems. They must be aware of the mechanisms for 'whistleblowing',

although this should not be viewed as a substitute for an open culture. Inspection and the monitoring of standards is part of this open culture, as is involvement of families and communities in the day-to-day activities of residential care.

Listening to children and young people must be central to this open culture. It must provide an environment which nurtures their self-esteem, and provides them with a range of opportunities to have their voice heard and, when necessary, to complain. There must be complaints systems which children and young people feel confident in using; and which they consider will be effective. Children and young people must also be involved in the decision-making which affects their lives; rights of participation are closely linked to rights of protection. They should have access to independent advocacy services. A focus on the rights of children and young people is essential to prevent further abuse of children and young people and to promote children's safety.

In acknowledging the abuse and neglect suffered by children and young people in residential care in the past, the future safety of children and young people must be ensured.

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